# The ‘star class’ in English convict prisons, 1863-1914

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Introduced in 1879, following over a decade of mounting anxiety about 'contamination' in English convict prisons, the 'star class' was an administrative division for first offenders intended to ensure their segregation from other prisoners. Conceived primarily in terms of criminal pedagogy - the notion, that is, that prisons functioned inadvertently as 'schools of crime' - 'contamination' was an elastic term whose meaning extended to a spirit of insubordination among convicts, and with it the potential for 'mutiny'; to convicts' everyday employment of 'filthy' language; and to the vexed issue of sex between male prisoners, complicated by the presence in convict prisons of men sentenced under the sodomy laws. It also encompassed the forced association of hitherto 'respectable' offenders - not least, so-called 'gentleman convicts' - with members of the reviled 'criminal class'. Secondary background checks on prospective 'star men' were often extensive and narrowed still further the division's constituency, leading eventually to a population in which men convicted of offences against a female person predominated, but in which 'white collar' property offenders were also concentrated. At the same time, the principle that 'star men' and ordinary convicts should receive uniform treatment was gradually eroded with regard to prison work, with more congenial forms of labour routinely assigned to the former. Among these was printing, the principal trade at Maidstone convict prison, which opened in 1909 and was designated a star-class establishment, fulfilling a long-standing operational objective (it would remain so until 1939, and the star class itself would survive until 1967). Thus, a form of social privilege, albeit highly circumscribed, endured within the convict system, its formal egalitarianism notwithstanding: 'gentlemen' were spared both the full rigours of penal labour and the company of common thieves, but at the cost of their being classified with violent and sexual offenders.

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# ABBREVIATIONS

| | |
|---|---|
| ADM | Records of the Admiralty, Naval Forces, Royal Marines, Coastguard, and related bodies |
| BL | British Library |
| CND | Campaign for Nuclear Disarmament |
| CRIM | Records of the Central Criminal Court |
| GPO | General Post Office |
| HO | Records created or inherited by the Home Office, Ministry of Home Security, and related bodies |
| MEPO | Records of the Metropolitan Police Office |
| MO | Medical Officer |
| MP | Member of Parliament |
| PCOM | Records created or inherited by the Prison Commission and Home Office Prison Department |
| PP | Parliamentary Papers |
| RCPDCP | Report of the Commissioners of Prisons and Directors of Convict Prisons |
| RDCP | Report(s) of the Directors of Convict Prisons |
| RPD | Report on the work of the Prison Department |
| TNA | The National Archives |
| YMCA | Young Men's Christian Association |

# INTRODUCTION

This study takes as its topic a system of classification introduced in English convict prisons in 1879. Unlike England's local and county gaols, where those sentenced by the courts to imprisonment served terms of up to two years (though often far less – a week or two was common), convict establishments were reserved for prisoners condemned to penal servitude, the sentence introduced in 1853 to replace transportation. Until 1864, penal servitude's minimum term was three years; this was then raised to five years, and in 1891 reduced again to three. The sentence comprised three 'stages': a nine-month period of so-called 'separate confinement', followed by transfer to a public-works convict prison, where its bulk would be served, with release 'on licence' then available for up to a quarter of a given term, dependent on good conduct.

In 1878, a royal commission was appointed to investigate the operation of penal servitude under successive legislation passed between 1853 and 1871, chaired by the Liberal politician John Wodehouse, 1st Earl of Kimberley.[1] In its final report, published the following year, the Commission found little amiss with the convict system, judging it 'on the whole satisfactory'. The 'first and most important' criticism to be levelled against penal servitude, however, was that 'although sufficiently deterrent, it not only fails to reform offenders, but in the case of less hardened criminals, and especially of first offenders, produces a deteriorating effect from the indiscriminate association of all classes of convicts on the public works.' Prisoners serving the second stage of the sentence in this way fell prey to what the Commission described as 'the risk of contamination'. To address this shortcoming, two remedies had been proposed: 'the division of prisoners according to the crimes for which they are undergoing punishment' and 'the formation into a distinct class of those against whom no previous conviction of any kind is recorded'. Of these, the Commission recommended the latter, while adding two important caveats: first, that it would 'strongly deprecate' any disparity between the treatment of first offenders and that received by ordinary convicts; second, that certain types of first offender – for instance, receivers of stolen goods – would be 'obviously unfit' for assignment to the new division. The Commission also felt it necessary to stress that

[1] Under the 1853 Penal Servitude Act (16 & 17 Vict., c.99), sentences of transportation of less than fourteen years were replaced with penal servitude; under the 1857 Penal Servitude Act (20 & 21 Vict., c.3), penal servitude replaced transportation altogether, and release on licence was introduced for those receiving the sentence; and under the 1864 Penal Servitude Act (27 & 28 Vict., c.112), penal servitude's minimum term was raised from three to five years (seven for a second sentence) and conditions of license were tightened. Under the 1871 Prevention of Crimes Act (34 & 35 Vict., c.112), the latter were then restricted still further. *Report of the commissioners appointed to inquire into the working of the penal servitude acts*, PP 1878-79 [C.2368] XXXVII, 1 (hereinafter *Kimberley*), pars.1-23, pp. vii-xiii.

convicts 'guilty of unnatural crimes and indecency would … of course, not be admitted into this class.'[2]

Towards the end of 1879, the segregation began of first offenders serving penal servitude's first stage. Convicts assigned to the new division were identified by red star-shaped patches sewn to the front of their caps and both sleeves of their jackets, intended to ensure that they were 'always kept quite separate, and that any departure from this order should be at once discovered'.[3] As a result, the division was soon designated the 'star class'; convicts assigned to it were known informally as 'stars' or 'star men'. The star class was, as we shall see, understood at the time as a radical break with existing penal practice, and would remain on experimental footing for the next eighteen years. As such, it was not governed by statute; indeed, until 1897, no Standing Order was even issued in relation to the division, a 'curious fact' noted that year by the Prison Commission's secretary.[4] Writing a quarter of a century later, England's senior prison administrator, Sir Evelyn Ruggles-Brise, observed that it had at the time 'represent[ed] the first and most practical attempt to introduce the principles of segregation of the better from the worse, which has since become so familiar as an essential condition of any well organized Prison System'.[5] It would remain a feature of English penal practice until replaced in 1967 by the system of security categorisation still in force in English prisons today, whereby adult male prisoners are classified on the basis of their likelihood of escape and danger to the public if successful.[6]

The present study looks at the circumstances that led to the Kimberley Commission's recommendation, and at ways in which this recommendation was implemented and modified between 1879 and the outbreak of the First World War. To this end, it addresses a handful of straightforward research questions. In the first place, it makes a simple ontological enquiry: of what did the star class actually consist - in terms, that is, of its population and of measures to both segregate this population and prevent its adulteration? It also asks whether star men, the Commission's caveat notwithstanding, were treated differently than ordinary convicts, and whether the division served to an extent as a way of shielding so-called 'gentleman

[2] Ibid., par.67, pars.72-3, pars.78-9, pp. xxvi-xxx.
[3] TNA HO 45/9557/70327C: Du Cane to Liddell, 1 January 1881; TNA PCOM 7/279: *Standing Order (New Series), No.10*., 30 July 1897, p.3.
[4] TNA PCOM 7/279: Clayton to Ruggles-Brise, 8 July 1897.
[5] Evelyn Ruggles-Brise, *The English Prison System* (London: Macmillan & Co., 1921), p.37.
[6] David Price, 'The Origins and Durability of Security Categorisation: A Study in Penological Pragmatism *or* Spies, Dickie and Prison Security', in *The British Criminology Conference: Selected Proceedings. Volume 3.*, ed. George Mair & Roger Tarling (2000), http://www.britsoccrim.org/volume1/013.pdf (accessed 6 April 2019).

convicts' from other prisoners. Additionally, the study looks at the explicit exclusion from the star class of convicts sentenced for 'unnatural crimes and indecency', which, though treated as a given by the Commission, nevertheless demands closer scrutiny.

The study is divided into four chapters. The first of these aims to contextualise the Commission's recommendation. Why was the star class deemed necessary in the first place? And why at this particular point in English penal history? The late 1870s, unlike the early 1860s or mid-1890s, did not represent a moment of crisis, either perceived or real, for English prisons - far from it. The transfer of local prisons from county to central government control had been successfully negotiated under the 1877 Prisons Act,[7] penal servitude had outgrown the pains of infancy and now functioned adequately as transportation's replacement, and the rate of reported crime was falling. The chapter therefore takes as its focus the notion of 'contamination', which provided the recommendation its rationale. Employed in a penal context, the term is understood to have referred mainly to criminal pedagogy; that is, to the prison's unintended function as a 'school of crime' wherein novice criminals were tutored by seasoned professionals. It is argued here, however, that its meaning and resonance extended beyond this to encompass a pervasive spirit of insubordination, leading potentially to full-scale 'mutiny', as well as the use by prisoners (and some warders) of obscene and blasphemous language. It was also, as the chapter shows, employed in relation to the issue of sex between male prisoners: the mere possibility of convicts discussing this proscribed topic, let alone their actual engagement in sexual activity, was enough to prompt the Commission's recommended bar on men sentenced for 'unnatural crimes and indecency'. The chapter also looks at those feared to be at risk of contamination: so-called 'accidental criminals' sentenced for offences of sufficient gravity to land them in a convict prison. It argues that the presence among such prisoners of 'gentleman convicts' ultimately shaped the Kimberley Commission's recommendation insofar as it inhibited the adoption of more radical proposals to segregate convicts on the basis of offence and/or to vary their punishment.

Chapters 2 and 3 then go on to examine two distinct ways in which the recommendation was implemented; firstly, by the prevention of contamination within the star class via the exclusion from it of 'bad apples', their status as first offenders notwithstanding; secondly, via the physical segregation of star men from ordinary convicts in separate sections of prisons and separate work parties, accompanied by initial attempts to establish a separate star-class

[7] 40 & 41 Vict., c.21.

prison. Chapter 2 focuses on supplementary background checks introduced in the immediate wake of the Commission's report, and shows that in this respect the star class took the form of an extensive investigative process carried out over decades with regard to many thousands of convicts. In selecting star men on the basis of their 'character' and antecedents, moreover, convict administrators and officials ensured that the division assumed a somewhat idiosyncratic character. Rather than simply first offenders per se, as the Commission had envisaged, the star class in the event comprised convicts selected according to a range of additional criteria, who had often been subject to rigorous vetting.

Chapter 3 then details the physical segregation of star men at Chatham convict prison and at a new convict prison built at Dover in the mid-1880s. After 1885, this took place against the backdrop of an unanticipated decline in convict numbers, which continued until the end of the century, leading in turn to the convict system's consolidation and a reduction of its estate. In the wake of Chatham's closure in 1892, and the eventual abandonment of the establishment at Dover, star men found themselves sent either to the convict prison on the Isle of Portland or to Parkhurst invalid convict prison on the Isle of Wight, both of which are examined in the chapter's final sections. The chapter also addresses the question of whether star men received privileged treatment, taking as its starting point the hypothesis that this would probably have assumed the form of assignment to less severe varieties of labour. The chapter therefore focuses on prison work, showing that a requirement for segregated work parties led to the exemption of star men from penal labour's worst rigours. This approach also allows the chapter to examine a transition, taking place towards the very end of the nineteenth century, from severe outdoor to light industrial labour as the standard form of English prison work. Particular attention is paid to printing, which was among the convict system's more congenial occupations and, after 1892, reserved exclusively for star men.

In its final chapter, the study turns to Maidstone star-class convict prison, which became fully operational in 1909. Arriving thirty years after the Kimberley Commission's recommendation, the establishment is treated here as its delayed realisation. As well as examining the regime at Maidstone and the experience of daily life within it, the chapter uses the prison's 1911 census return, cross-referenced with digitised court records and newspaper reports, as the basis for a 'snapshot' of the star class taken at the end of the study's period. This is contrasted with an earlier portrait of the first star-class cohort transferred to Chatham at the end of 1880, to which Chapter 2's middle section is devoted. The purpose here is to provide a clear picture of the division's composition - that is, of a population made up

entirely of putatively 'accidental' criminals – and of the way this population altered over the course of three decades and the division came to assume its distinct character.[8] Such analysis has only been made possible by the recent digitisation of both the British Library's nineteenth-century newspaper collection and material stored in the National Archives (about which more below). In contrast to 'cradle to grave' analyses of individuals and/or groups,[9] however, the study provides a synchronic view of the entire star-class population (or rather two views, one at either end of the period). In doing so, its wider objective is to place prisoners themselves at the centre of a historical account of prison administration; after all, as well as a bureaucratic process and a segregative practice, the star class was not least a body of convicts. To this end, the study attempts to view penal policy and practice from the receiving end, considering prison work, for instance, from the perspective of those forced to perform it.

A number of provisos are necessary. Firstly, the study is confined to English convict prisons. After 1896, as we shall see, the star-class system was extended to local prisons in

[8] It might be objected that some of the prisoners discussed in these sections were not necessarily who they claimed to be. The period covered by the study coincides with one of rapid evolution in techniques of criminal identification, made necessary by swelling and increasingly mobile urban populations, to which prisons were central. Police officers made regular visits to London prisons in order to observe prisoners at exercise and identify recidivists, while under the 1871 Prevention of Crimes Act, prison governors were required to forward details of every prisoner to a Habitual Criminal Register, hitherto kept by the Metropolitan Police, but now transferred to the Home Office and maintained by the Convict Directors (it would return again to Scotland Yard in 1896). A photograph of each prisoner, also mandated under the Act, accompanied these returns. Inevitably, the sheer volume of information thereby generated proved unmanageable, which led in turn to innovations in classification and indexing, including a supplementary Register of Distinctive Marks, indexed not by name but by physical description. In 1894, a Home Office departmental committee recommended the introduction of fingerprinting, along with elements of the anthropometric identification system developed in France by the Parisian police official Alphonse Bertillon and widely employed elsewhere. Within a decade, however, the latter had been discarded, following the adoption, recommended in 1900 by a second departmental committee, of a fingerprinting system developed by the Bengal magistrate Sir Edward Henry. Although Scotland Yard's Fingerprint Bureau, established a year later, soon became an acknowledged world leader in the field, regular police visits to convict prisons continued until at least 1907. The possibility of significant numbers of 'habitual' criminals masquerading as first offenders was, then, of evident concern to police and prison administrators - indeed, in its 1895 report, the Gladstone Committee (see p.17 below) 'recognised that many "first offenders" have probably been convicted more than once'. But it should be noted that this was a remark made with respect to local prisons, whose total population was far larger and more fluid than that of convict prisons. Identifying the kind of prisoners discussed in Chapters 2 and 4 was for the most part a fairly straightforward affair: as we shall see, these were mainly men convicted for the first time, hitherto well known in their respective communities and established in their places of employment. We can therefore be confident that their names and occupations as given in court records and newspaper reports were on the whole correct. Seán McConville, *English Local Prisons 1860-1900: Next Only to Death* (London: Routledge, 1995), pp.393-408; Terry Stanford, 'Who Are You? We Have Ways of Finding Out! Tracing the Police Development of Offender Identification Techniques in the Late Nineteenth Century', *Crimes and Misdemeanours* 3:1 (2009), pp.54-81; Haia Shpayer-Makov, *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England* (Oxford: OUP, 2011), pp.49-52; Simon A. Cole, *Suspect Identities: A History of Fingerprinting and Criminal Identification* (Cambridge MA: Harvard University Press, 2001), pp.18-20, pp.26-31, pp.90-4; 34 & 35 Vict., c.69, s.6 (5) & (6); *Report from the departmental committee on prisons*, PP 1895 [C.7702] LVI, 1 (hereinafter *Gladstone*), par.83, p.29.

[9] E.g. Helen Johnston, Barry Godfrey & David J. Cox, *Victorian Convicts: 100 Criminal Lives* (Barnsley: Pen & Sword, 2016).

England and Wales, but lack of space precludes detailed discussion of its operation in these establishments. There were no convict prisons in Wales itself. In Scotland, prisons were administered by a separate Prison Commission. Until 1888, prisoners sentenced to penal servitude by Scottish courts would serve the second stage of their sentence at an English public-works prison; after this, a new convict prison at Peterhead, in Aberdeenshire, fulfilled the role. There was no star class at this establishment.[10] The Irish prison system - like the Scots, administered separately - included convict prisons at Mountjoy in Dublin and Spike Island in Cork Harbour. These, too, lacked a star class; instead, under the so-called 'Irish system', well-behaved convicts would eventually graduate to a minimum-security 'intermediate' establishment regardless of any previous convictions.[11]

Secondly, the study is concerned only with male convicts. Women sentenced to penal servitude occupied a section of Millbank convict prison in London (until 1886) or were sent to a female convict 'refuge' at Fulham (until 1888) or to the convict prison at Woking (until 1895 - the latter also functioning as an infirmary for male convicts). There was a female star class at all three establishments.[12] After 1895, Aylesbury Prison served as England's female convict establishment, a wing of which was reserved for star-class women (and remained so after the abolition of penal servitude in 1948).[13] But although women formed a significant percentage of the late-Victorian and Edwardian English prison population, only a very small number were sentenced to penal servitude.[14] Correspondingly, the number of female star-class convicts was miniscule: just twelve women in 1883, segregated at Millbank where they were employed as cleaners; and only 96 in total between 1880 and 1896.[15] The experience of these convicts is, of course, by no means without interest: in a society permeated by notions of idealised femininity, the position of women imprisoned for the first time for serious offences could not have been other than complex. Once again, however, there is insufficient space here to discuss this aspect of the topic, which would merit at the very least a chapter of its own.

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[10] *Eleventh annual report of the Prison Commissioners for Scotland*, PP 1889 [C.5794] XLI, 289, pp.2-3.
[11] Leon Radzinowicz & Roger Hood, *The Emergence of Penal Policy in Victorian and Edwardian England: being Volume 5 of A History of English Criminal Law and its Administration from 1750* (Oxford: Clarendon, 1990 [1986]), pp.515-6.
[12] Lucia Zedner, *Women, Crime, and Custody in Victorian England* (Oxford: Clarendon, 1991), p.182, p.212.
[13] Lionel W. Fox, *The English Prison and Borstal Systems* (London: Routledge & Kegan Paul, 1952), p.157.
[14] Zedner, *Women, Crime, and Custody*, p.1, p.173. She estimates around 17 per cent in the 1890s, compared to only five per cent a century later.
[15] *Report of the commissioners of prisons and directors of convict prisons* [hereinafter *RCPDCP*], PP 1897 [C.8590] XL, 105 (hereinafter *RCPDCP 1896-7*), p.172.

Thirdly, the study is, with very occasional exceptions, restricted to civilian convicts. During the period in question, military prisoners sentenced by courts martial to penal servitude, either for criminal offences or for military offences such as insubordination or striking an officer, were sent to convict prisons, where they lived and worked side-by-side with civilians. As such, they were a not insignificant element of the star class (and, as convict prison governors sometimes complained, an unruly one[16]). But as their accommodation in convict prisons was governed by a different set of arrangements and separate legislation to that of civilians, they too are victim here to the demands of concision.[17] Additionally, it should be noted that the study's discussion of Irish and Irish-American convicts sentenced under the 1848 Treason Felony Act for offences committed during the Fenian dynamite campaign of the 1880s is confined to their experience as star men; wider issues regarding the status and treatment of political prisoners lie beyond its scope.

Lastly, a note on the study's period, which, it will be observed, begins fifteen years before the Kimberley Commission's appointment. Chapter 1 takes as its starting point a royal commission on penal servitude appointed in 1863, and then explores ways in which anxiety about contamination grew among prison administrators, officials and reformers over the course of the 1860s and 1870s. The period ends simply at a convenient marker: 1914 is not in itself a significant date in English penal history, scholars tending instead, as we shall see shortly, to identify a watershed occurring around 1922. But to extend the study this far would have required discussion of the convict star class during the First World War and its immediate aftermath, thus carrying us into the interwar years (upon which a chapter was planned but remains to be written). In order to provide as full a picture as possible of life at Maidstone, however, Chapter 4 makes some use of primary material relating to the 1920s and 1930s.

There now follows a short discussion of the study's primary sources, succeeded in turn by a review of secondary literature relating to penal change in England during the period in question. A final section then concludes this Introduction by situating the study's topic within the wider history of English penal policy and practice, and orientating its approach within the field's historiography.

[16] E.g. *Report of the directors of convict prisons* [hereinafter *RDCP*], PP 1881 [C.3073] LII, 1 (hereinafter *RDCP 1880-81*), p. xxxviii; *RCPDCP*, PP 1902 [Cd.804] XLV, 1 (hereinafter *RCPDCP 1900-01*), p.578.
[17] McConville, *Local Prisons*, pp.389-90.

## Primary sources

The study makes extensive use of two types of published primary source: parliamentary bluebooks, and memoirs and articles written by former convicts and, to a lesser extent, former convict administrators and officials. Neither type, it must be acknowledged, can be considered wholly reliable. The former consists mainly of two subtypes: first, the reports submitted annually by the Convict Directors to Parliament, which include excerpts from reports made by convict prison governors, chaplains and medical officers; second, the minutes of commissions and committees of enquiry, primarily those of the Kimberley Commission itself, which consist of transcribed evidence given by former convicts and by prison administrators and officials. The Convict Directors' reports are notoriously Panglossian: 'you may read them all through from beginning to end', observed an ex-convict writing in 1907, 'without coming upon a single word to suggest that there is any blemish, any fault, any failure of any kind under this heap of official phrases'.[18] As for minutes of evidence, we are reminded by Sidney and Beatrice Webb, writing in 1932, that proofs were submitted to questioners and witnesses prior to publication and subject to 'substantial and material alterations', that 'nervous or unscrupulous' witnesses might, without fear of prosecution, embellish their testimony, and that 'the great mass of oral "evidence" given before committees of enquiry relate[d] to opinions … and not to actual occurrences, whilst even the modicum of fact given in evidence [was] not checked and verified'.[19]

The memoirs and articles of former convicts, equally, cannot be treated simply as a mirror held to the reality of prison life. That senior prison officials might disparage the claims and complaints of their former charges is perhaps to be expected, but memoirists themselves were often just as quick to cast doubt upon rival authors. Writing in 1903, one ex-prisoner observed that 'whining accounts of prison life have been appearing more or less continuously in the penny weeklies for the past few years.' These tended to 'represent prison life as a very good imitation of purgatory' but, the author declared, 'I say boldly that it is nothing of the sort'.[20] Twenty years earlier, another memoirist claimed to have 'read every book, sensational or realistic, that purports to describe prison life', arriving at 'the conclusion that the writers never really wrote from personal observation, or, if they did, had failed signally in

[18] Jabez Spencer Balfour, *My Prison Life* (London: Chapman & Hall, 1907), pp.314-5.
[19] Sidney & Beatrice Webb, *Methods of Social Study* (London: Longmans, Green & Co., 1932), pp.153-5.
[20] Frederick Martyn, *A Holiday in Gaol* (London: Methuen, 1903), p.2.

giving a correct description of what actually exists.'[21] Yet for all his purported veracity, this author's claim to have witnessed a hanging at Newgate while awaiting trial, even though the last execution there had taken place a year before his arrival, was itself singled out by a former prison chaplain, who in his own memoir cautioned readers not to 'take for gospel everything they read in books written by ex-prisoners'.[22]

Nevertheless, prison memoirs are acknowledged by scholars, not only as instrumental in late nineteenth- and early twentieth-century prison reform, but as a valuable corrective to official representations of prison life.[23] They are, moreover, on the whole consistent with one another.[24] In reviewing an extensive sample of such accounts and then mapping these onto official reports, the aim here has been to obtain a picture of convict prison life in whose accuracy we can be reasonably confident. At the same time, both reports and memoirs have been read 'against the grain' to gain insight into the realities of prison labour, for instance, or attitudes towards 'unnatural crime'. It should, however, be borne in mind that any such reconstruction will necessarily remain both provisional and partial. It almost goes without saying that a third type of published primary source, newspaper reports, must be treated with similar caution. Drawn largely from the testimony of witnesses in criminal trials, they are used in Chapters 2 and 4 to supplement minimal information gleaned from court records regarding individual cases. But it should again be remembered that such accounts can never provide the full facts of a particular case, and that there are always two sides to every story. The study also refers at times to parliamentary debates, and while *Hansard* may be accurate, the same is not necessarily true for specific assertions reported therein.

Little of the published primary material used here will be unfamiliar to scholars and researchers (though it is hoped that its deployment will be recognised as novel). The possible exceptions are an article published in 1878 in the *Westminster Review* entitled 'Our Present Convict System', whose author went on to give evidence to the Kimberley Commission, and a series of articles appearing between November 1879 and February 1880 in the London

[21] 'D- S-' (Donald Shaw), *Eighteen Months' Imprisonment (with a remission)* (London: Routledge & Sons, 1883), p.69.
[22] J.W. Horsley, *Jottings from Jail: Notes and Papers on Prison Matters* (London: T. Fisher Unwin, 1887), p.5.
[23] Sarah Anderson & John Pratt, 'Prison Memoirs and their Role in Prison History', in *Punishment and Control in Historical Perspective*, ed. Helen Johnston (Basingstoke: Palgrave Macmillan, 2008), p.196; Alyson Brown & Emma Clare, 'A History of Experience: Exploring Prisoners' Accounts of Incarceration', in *The Persistent Prison: Problems, Images and Alternatives*, ed. Clive Emsley (London: Francis Boutle, 2005), pp.53-7.
[24] Alyson Brown, *English Society and the Prison: Time, Culture and Politics in the Development of the Modern Prison, 1850-1920* (Woodbridge: Boydell, 2003) p.17; William James Forsythe, *The Reform of Prisoners 1830-1900* (London: Croom Helm, 1987), pp.206-7.

*Weekly Times* under the headline 'Our Convict System'. Neither source is listed in the bibliographies of secondary volumes consulted during the study's preparation (though the latter was probably written by the author of the well-known 1879 memoir *Convict Life; or, Revelations Concerning Convicts and Convict Prisons by a Ticket-of-Leave Man*).

In addition to published sources, the study also employs unpublished material housed in the Home Office and Prison Commission archives. Chapter 2 makes use of correspondence between senior prisoner administrators, the Home Secretary and senior Home Office personnel, conducted in the immediate wake of the Kimberley Commission's report, to show in detail how the Commission's recommendation swiftly evolved into a somewhat different proposition. Caveats regarding the assignment to the star class of men convicted of sexual assaults, for instance, which would remain in place for almost twenty years, are found to have their origin in a note scribbled by the Home Office Permanent Secretary in response to a confused query by the Chairman of the Convict Directors. To explore the process of background checks conducted with regard to prospective star men, the chapter also makes extensive use of surviving convict licences (recently digitised), which include copies of completed enquiry forms, along with correspondence detailing attempts by police to determine the antecedents and character of individual convicts. Chapters 2 and 3 also make occasional use of other documents contained in convict licences: for instance, letters written by star men but intercepted by a prison's censor (usually its chaplain). Chapter 4 relies on unpublished Visitor reports and correspondence to supplement published accounts of life in Maidstone, as well as a typewritten manuscript touted by a former convict for publication in a national newspaper, which found its way instead to the desk of the Home Secretary. Occasional use is also made of the Du Cane Papers in the Bodleian Library, Oxford, and of the Viscount Gladstone Papers in the British Library.

## 'Revisionist' and 'pragmatist' accounts of penal change in late-Victorian and Edwardian England

Extending as it does from the 1860s to the early decades of the twentieth century, the period covered by this study straddles what are often seen as two distinct eras, the second of which is held to have succeeded the first in or around 1895. Each is associated with the man who served during it as the country's senior penal administrator - as chairman, that is, of both the Convict Directors and the Prison Commission (the bodies responsible for convict and local prisons respectively). Sir Edmund Du Cane held the former post from 1869 and the latter

from 1877 (when the Commission was established) until retiring in 1895; Ruggles-Brise, his immediate successor, eventually retired in 1921.

Du Cane, having overseen the successful transfer after 1877 of England's local prisons from county to central government control, and having presided over a steep decline in the nation's prison population, nevertheless found himself by the early 1890s criticised publicly both for the harshness of the prison regimes he supervised and for the autocratic manner in which he exercised his office. This culminated in a trio of damning articles published in the progressive *Daily Chronicle* in January 1894, and the appointment later that year, following his misleading answer to a parliamentary question, of a Home Office departmental committee tasked with investigating various aspects of his administration. Chaired by Herbert Gladstone, who, having served in his father's third administration as a junior Home Office minister, was now First Commissioner of Works under Rosebery, the Committee published its report a year later, its chairman by then sitting on the opposition benches. Du Cane's retirement and Ruggles-Brise's appointment followed within days. The Committee's recommendations were then partially enacted in a somewhat diluted form under the 1898 Prison Act, accompanied by legislation aimed at establishing inebriate reformatories as an alternative to prison.[25] Under the Liberal governments of 1906-1914, the 1898 Act was then followed by legislation introducing a probation service, borstal institutions for young offenders, and preventive detention for 'habitual' criminals, while removing children from adult prisons.[26]

During the 1980s and 1990s, the significance of both the Gladstone Report and the legislation that followed it was debated by scholars, a dispute to which we will turn shortly. Suffice it to say at this point that the Committee has tended to serve as a convenient marker in English penal historiography, signalling a shift – at least in terms of rhetoric – from a form of penal practice aimed primarily at deterring crime to one that held the reformation of prisoners as an equal, if not more important goal.[27] That is to say, the transition from the 'Du Cane era' to the 'Ruggles-Brise era' is understood to have reflected a deeper shift in prevailing

[25] 61 & 62 Vict., c.41; ibid., c.60.
[26] 1907 Probation of Offenders Act (7 Edw. VII, c.17), 1908 Prevention of Crime Act (8 Edw. VII, c.59), 1908 Children Act (ibid., c.67); see David Garland, *Punishment and Welfare: A History of Penal Strategies* (Aldershot: Gower, 1985), pp.217-23.
[27] Christopher Harding, '"The Inevitable End of a Discredited System?" The Origins of the Gladstone Committee Report on Prisons, 1895', *The Historical Journal* 31:3 (1988), p.591; W.J. Forsythe *Penal Discipline, Reformatory Projects and the English Prison Commission, 1895-1939* (Exeter: University of Exeter Press, 1990), p.28.

conceptions of crime and punishment. The former period is associated with 'classical' legal and penal theory, which, originating in the late eighteenth century, held that crime was committed by free, equal, rational, and therefore culpable individuals, for whom universally and uniformly administered punishment served as an effective deterrent. The reformatory theory of the latter period, by contrast, viewed criminal offenders as to some extent flawed and hence not entirely responsible for their own actions.[28] According to this philosophy, first propounded by early nineteenth-century prison reformers, the aim of punishment was to permanently correct an individual's defects – regardless, that is, of the specific criminal offence to which those defects had given rise.[29] Contemporaries recognised that these two concepts of punishment and sets of penal objectives were, to a degree, at odds with one another, the uniformity upon which effective deterrence relied precluding the kind of individualised treatment from which genuine reform might blossom. Writing in 1878, for instance, the ex-convict correspondent of the *Westminster Review* pointed to 'the undoubted fact that reformatory and deterrent discipline invariably conflict'.[30] Twenty years later, in the wake of the 1898 Act, a *Times* editorial observed 'the difficulties in the way of reconciling the reformation of offenders with the duty of making the law a terror to evildoers'.[31]

If our topic's immediate historical context is, then, a shift in penal policy and practice at the end of the nineteenth century, this event must itself be viewed as belonging to a conjuncture, beginning over a hundred years earlier, that witnessed the emergence, evolution and proliferation of the prison in its recognisably modern form. Paralleled by similar transformations in the United States, France and other European countries, the process that took place in England has been described by one historian as 'an extraordinary revolution'.[32] By the 1870s, English prisons bore virtually no resemblance to their eighteenth-century predecessors, cleanliness, silence and austere uniformity having by now replaced the Georgian gaol's tumult and squalor. A prisoner who might once have spent time drinking and gambling in the prison yard – or who, if unable to pay his gaoler a fee, would have rotted in a filthy dungeon - now occupied a spartan cell and laboured endlessly at tedious, physically demanding tasks, watched closely by uniformed guards as the minutely regulated days of his sentence dragged by. Throughout much of the twentieth century, this revolution

[28] Garland, *Punishment and Welfare*, pp.14-5.
[29] Forsythe, *Reform of Prisoners*, pp.22-4.
[30] Anon., 'Our Present Convict System', *Westminster Review* 109 (1878), p.421.
[31] *The Times*, 26 March 1898, p.11.
[32] Bill Forsythe, 'The Garland Thesis and the Origins of Modern English Prison Discipline: 1835 to 1939', *The Howard Journal of Criminal Justice* 34:3 (1995), p.261.

in penal practice was accommodated within a wider narrative of 'reform', which explained the form taken by social and legal institutions as the rational outcome of society's long march from despotism and barbarity towards ordered democracy and humane, enlightened civilization. Pejoratively labelled 'Whig', such accounts stressed the humanitarian efforts of individual reformers and philanthropists in bringing about social improvement, including changes to penal practice.

The publication in 1975 of Michel Foucault's *Discipline and Punish: The Birth of the Prison* (first translated into English two years later) heralded a break with this prevailing consensus.[33] Forming part of its author's wider investigation into the concealed operation of power in contemporary society, the volume deals specifically with the decline of physical forms of judicial punishment and the emergence of the modern prison in early nineteenth-century Europe (primarily France). For Foucault, this signalled the displacement of power exercised by sovereign right, as demonstrated via public displays of extravagant cruelty, by a new type of 'disciplinary' power, embodied in a novel set of techniques and instruments aimed at correcting errant behaviour and inducing docile, self-regulating obedience. Foucault's interest is less in the causes and origins of the innovations he examines than in their application and effect; that is, in what he terms the 'micro-physics' of power. He perceives that disciplinary power perpetuates itself, via techniques of surveillance, by accumulating knowledge through a process of observation and classification: in order to be controlled, its object must be understood, and the better it is known, the more effectively it can be controlled.[34] Loss of liberty for a specific period of time may be the *legal* penalty for committing a criminal act, but the act's perpetrator, once imprisoned, is then subject to an array of procedures whose aim is to isolate, examine and correct individual behaviour.[35] Thus 'criminality' itself, and the very categories – 'deviancy', 'delinquency' – by which the 'human sciences' attempt to make sense of it, should themselves be historicized, and understood as a product of the penal system's extra-legal administrative machinery.[36]

Foucault's account was paralleled by two others: David J. Rothman's *The Discovery of the Asylum*: *Social Order and Disorder in the New Republic* (1971) and Michael Ignatieff's *A*

[33] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (Harmondsworth: Penguin, 1979).
[34] Ibid., pp.25-6; idem., *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, ed. Colin Gordon (Hemel Hempstead: Harvester Press, 1980), pp.104-5; David Garland, *Punishment and Modern Society: A Study in Social Theory* (Oxford: Clarendon, 1990), pp.137-8.
[35] Foucault, *Discipline and Punish*, pp.128-9.
[36] Ibid., pp. 276-8; Garland, *Modern Society*, pp.148-9.

*Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750-1850* (1978). The former explored the rapid proliferation of penitentiaries, reformatories and asylums in the United States during the 1820s and 1830s, the latter developments in English penal practice taking place between the late eighteenth century and the 1840s and their relation to moments of social and economic upheaval. All three authors shared scepticism towards prison reformers' vaunted humanitarianism, which they dismissed as mere ideological window dressing. They argued that the modern prison took shape alongside parallel institutions such as hospitals, workhouses, schools and asylums, which together formed a network aimed at controlling increasingly mobile labouring populations during an era of profound economic, social and political change.[37] Differences in both national focus and theoretical perspective notwithstanding, their accounts were collectively labelled 'revisionist', a term whose persistence indicates the extent to which they represented a distinct historiographical 'turn'.

In the second half of the 1980s, the focus of scholarly debate on the nature of penal change in England shifted from the nineteenth century's early decades to its closing years and the beginning of the twentieth century. This shift was initiated by the publication in 1985 of David Garland's *Punishment and Welfare: A History of Penal Strategies*. Garland followed Foucault in viewing penal change broadly in terms of social control and class discipline. His innovation, however, was to relocate from the earlier to the later period the radical alteration in penal practice described by Foucault, which, he asserts, 'simply did not occur in Britain until after 1895.'[38] Such alteration was, moreover, 'qualitative or structural … and not merely a gradual shift of direction or emphasis': the English penal system was 'suddenly disrupted' in the Gladstone Committee's aftermath, 'and in a very short space of time … altogether transformed.'[39] Before this, Garland contends, Victorian prison regimes had embodied the classical principle of uniform deterrence, which itself reflected a concept of individual responsibility 'indispensable [to] any capitalist society structured around "free" contract, commodity exchange and representative democracy'.[40] In an era of pure laissez-faire capitalism lasting in Britain from the 1850s until the late 1880s, the inscription of this concept in both criminal law and social policy remained unproblematic. By the 1890s,

[37] Michael Ignatieff, 'State, Civil Society and Total Institutions: A Critique of Recent Social Histories of Punishment', in *Social Control and the State: Historical and Comparative Essays*, ed. Stanley Cohen & Andrew Scull (Oxford: Basil Blackwell, 1985), pp.79-82; Garland, *Modern Society*, p.125; pp.141-2.
[38] Garland, *Punishment and Welfare*, p.32.
[39] Ibid., p.6, p.36.
[40] Ibid., p.189. In this, Garland was influenced of the early Soviet legal theorist Evgeny Pashukanis; he would subsequently qualify *Punishment and Welfare*'s Marxist interpretation of penal change. Idem., *Modern Society*, p.112, pp.126-9.

however, as laissez faire gave way to a new era of monopoly capitalism, it became necessary to reconfigure both social and penal policy, but in a way that would nevertheless maintain the discursive removal from one another of social problems and their economic causes. At the same time, the economic impact of the Long Depression of the 1870s and 1880s had led to the rise of socialism and trade unionism, and the emergence of the 'social question' as a matter of urgent public and political debate. Identifying four competing programmatic responses to this 'social crisis' - criminology, social work, social security, and eugenics - Garland charts an intricate 'politico-discursive struggle'[41] whereby each evolved via compromise and mutual resistance before their joint absorption into a comprehensive 'social welfare' strategy. The result, he concludes, was a reconfiguration of the prison as a 'segregative sector', functioning as the 'coercive terminus', or 'deep end', of a wider 'penal complex' composed of specialist institutions, itself the 'coercive back-up' of an 'elaborate apparatus of provision and state-induced self-control'.[42]

Five years later, the American historian Martin J. Wiener, best known for his 1981 volume *English Culture and the Decline of the Industrial Spirit*, published *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914*.[43] Though its author sought to distinguish it from 'revisionist' accounts of penal change, the volume shared not only Garland's evident debt to Foucault, but also his view of the Gladstone Committee as having heralded 'a new era in punishment'. During the Edwardian years, Wiener asserts, the 'principles of positive penology came fully into their own', the period representing 'the triumph of the welfarist-therapeutic penal ethos'.[44] Like Garland, Wiener points to an erosion of the concept of the responsible individual and, with this, deterrent punishment's rationale, resulting in a reconfiguration of social policy along interventionist lines. But rather than maturing economic and social relations, he sees this as reflecting 'a new sense of the diminished power of the individual will'.[45] His account is, then, less of penal change per se than of a 'transformation of English thought and policy about crime', itself part and parcel of 'a gradual but ultimately profound reshaping of the human image' taking place throughout the nineteenth century.[46] Beginning around 1820, he argues, increasing individualism led to

[41] Ibid., p.207.
[42] Ibid., p.233, p.243.
[43] Martin J. Wiener, *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914* (Cambridge: CUP, 1990).
[44] Ibid., p.308, p.379, p.4.
[45] Ibid., p.257.
[46] Ibid., p.10, p.337.

fear among England's 'policy-making classes' of disorder and loss of control at both a social and a personal level, to which penal and social policy responded by fostering self-regulation and respectability. This resulted, inter alia, in the novel disciplinary prison regimes that Foucault had uncovered. After 1875, however, this strategy's success prompted upper-middle-class dissatisfaction with respectability's constraints, now accompanied by fear of an enervated, over-regulated population, whose behaviour, according to evolutionist and social scientific thought, was determined largely by heredity and environment. Penal policy and practice, according to Wiener, 'reflected and participated in this deep cultural shift', a perception of criminals as more weak than predatory leading to the replacement of a 'uniform and impersonal disciplinary regime' by a model incorporating 'less severe' prison regimes, the specialist institutions emphasised by Garland, and the use of fines and probation as alternatives to imprisonment.[47]

Wiener depicts these contrasting modes of penal practice not in terms of competing deterrent and reformatory philosophies, but rather as two forms of interventionism: a 'Victorian moral interventionism' based on the notion of individual responsibility and, once this notion began to disintegrate, a 'post-Victorian interventionism, increasingly welfarist and administrative'.[48] He argues, *pace* Garland, that the assumption in English criminal law of the rational, responsible individual was neither merely convenient nor simply the enshrinement in law of an ideal, but rather a concrete 'effort at mass character reform' aimed at producing such individuals. The principle of individual moral responsibility was, therefore, 'as much instrumental as declarative, as much interventionist as laissez-faire.'[49] Penal uniformity, by the same token, did not simply reflect 'classical' principles but was understood to aid the conquest of impulse, with uncertainty and variability seen as the enemies of character formation.[50] The transition from 'Victorian' interventionism to its 'post-Victorian' successor Wiener views as more gradual than abrupt. If the former had its high-water mark in the mid-1870s, this was also the point at which its 'cultural substructure' began to erode. The years between 1877 and 1895 were indeed, as Garland recognised, those in which 'the Victorian prison experience reached its fullest systemisation'. But this system found itself at the same time subtly undermined, not only by the impact of evolutionism on social discourse, accompanied by diminishing fear of crime and disorder, but, within prisons

[47] Ibid., pp.11-2.
[48] Ibid., p.257; idem., 'The March of Penal Progress?', *The Journal of British Studies* 26:1 (1987), p.89.
[49] Idem., *Reconstructing the Criminal*, p.48, pp.53-4.
[50] Ibid., p.103, p.108.

themselves, by the identification of categories of prisoner for whom uniform severity was considered inappropriate (a point to which we shall return).[51] An apparently sudden shift in penal policy and practice around 1895 was, then, according to Wiener, an effect produced by steady change over the course of two decades in conceptions of human nature and social action. A perception of English prisons by the 1890s as 'mindless and pointlessly cruel' was due not to their undue severity, but simply because 'the political and cultural conditions that had shaped [them] no longer existed'.[52]

A challenge to revisionism had come four years earlier, in 1986, when the eminent scholar Leon Radzinowicz, who in 1959 founded the Institute of Criminology at Cambridge, published the fifth and final volume of his *History of English Criminal Law and its Administration from 1750*, a project begun four decades earlier. Unlike previous volumes, the survey's concluding part, subtitled *The Emergence of Penal Policy*, was co-authored by Roger Hood, Director of the Centre for Criminology at Oxford. Though its structure is thematic rather than chronological, the final decades of the nineteenth and early decades of the twentieth century are as central to the volume, which opens with the challenge presented in the 1890s to English jurisprudence by continental 'positivist' criminology, as they are to Garland's. But where Garland identifies a rupture, Radzinowicz and Hood see continuity, conceding that nascent criminology gained limited purchase within English prison administration after 1895, but only as an element of what they regard as a typically English 'eclectic formula'. Underpinned by a broadly reformatory faith that social progress would diminish criminality, this 'English eclecticism' found room for competing criminological approaches that stressed innate disposition on the one hand and social environment on the other, while at the same time eliding their inherent contradiction. They observe, however (in reference to preventive detention), that 'the English, never taken in by the theories of the positivists, merely flirted with them. They were too wedded to the classical notions of justice to do anything more than produce an unsatisfactory hybrid.'[53]

Thus, the shift in penal practice after 1895, central to the accounts of both Garland and Wiener, is treated here as of relatively minor importance. The 1898 Act, Radzinowicz and Hood acknowledge, 'for all its hesitancy, did mark some progress', leading, for instance, to minor ameliorations in the convict regime specifically. But 'the pace of change was very

[51] Ibid., p.308.
[52] Idem., 'Penal Progress', p.92.
[53] Radzinowicz & Hood, *Penal Policy*, p.287.

slow and experiments too few', their impact on prisoners' everyday life only marginal.[54] They contrast Ruggles-Brise's confident assertion in 1921 that the 'gloom and mystery' surrounding convict prisons had 'largely disappeared' with the description given by Stephen Hobhouse and Archibald Fenner Brockway, authors of a landmark 1922 report for the Labour Party's Prison System Enquiry Committee, of a regime (in both local and convict prisons) 'founded on silence, separation, slave labour, and slave morality'. The latter picture, they conclude, 'was far closer to reality than the first'.[55] They do, however, see genuine change occurring after 1921, in the wake of both Hobhouse and Brockway's report and Ruggle-Brise's retirement. Though it lies beyond their scope, Radzinowicz and Hood describe the interwar period as one in which a 'very optimistic approach towards crime and its control … flourished' and English penal policy 'seemed … to be entering on a phase of new hopes and large expectations.'[56]

At the same time, while largely steering clear of historiographical debate (and appearing too close on his heels to acknowledge Garland specifically), Radzinowicz and Hood issue a direct rebuke to revisionist penal historians. Neither 'the widespread use of "mass imprisonment"' nor 'the spreading tentacles of the "carceral archipelago"' (Foucault's expression) were, they observe, 'confirmed by later Victorian and Edwardian experience.' In fact, the reverse was true, these decades having instead witnessed 'a mass movement away from reliance on incarceration'.[57] Writing a decade later in the *Journal of British Studies*, the historian Victor Bailey took up this argument again.[58] The author of *Delinquency and Citizenship: Reclaiming the Young Offender, 1914-1948* (1987), a definitive study of the borstal system, Bailey criticised both Garland and Wiener for having 'placed far too much emphasis on positivist criminology' and its supposed impact on English penal practice. The late-Victorian and Edwardian period was, he insisted, 'simply not intelligible in terms of an emerging positivism or medicalism.' The institutions comprising Garland's 'modern penal complex' (which Wiener, in fairness, barely mentions) were underused, philosophically ambiguous and operated alongside traditional sanctions: '[o]nly by a large stretch of the imagination' could they 'be seen as a major alteration in the structure of criminal justice.'[59]

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[54] Ibid., pp.583-5, p.598.
[55] Ibid., p.487; Stephen Hobhouse & A. Fenner Brockway, *English Prisons To-day: Being the Report of the Prison System Enquiry* (London: Longmans Green & Co., 1922), p.319.
[56] Radzinowicz & Hood, *Penal Policy*, p.778.
[57] Ibid.
[58] Victor Bailey, 'English Prisons, Penal Culture and the Abatement of Imprisonment, 1895-1922', *The Journal of British Studies* 36 (1997), pp.285-334.
[59] Idem., 'English Prisons', p.293, p.304.

The period's true significance lay instead in the 'extraordinary decrease' in the use of imprisonment observed by Radzinowicz and Hood (which Wiener, again in fairness, acknowledges[60]). Revisionist depictions of 'a prison system ingesting ever more prisoners into its insatiable maw' amounted, in Bailey's view, to 'a gross exaggeration.'[61]

Two years earlier, Bill Forsythe, author of a pair of volumes on reformatory penal practice in England, *The Reform of Prisoners, 1830-1900* (1987) and *Penal Discipline, Reformatory Projects and the English Prison Commission, 1895-1939* (1990), had responded to Garland (primarily, but also to Wiener) in the pages of the *Howard Journal*, the publication of the Howard League for Penal Reform. Like Garland, Forsythe views penal change in England in terms of a shift from deterrent to reformatory policy and practice. But he identifies not one, but two transitions, the first taking place, as Foucault recognized, in the late eighteenth and early nineteenth century, when the prison emerged as a 'new and very formidable institution', its inmates subject to techniques and architecture aimed at permanently reforming their attitudes and behaviour, the second, as Garland had insisted, in the years following the Gladstone Committee. Between these, however, lay a deterrent interregnum, lasting from the 1860s to the mid-1890s, overlooked by both. Foucault had missed the 'massive and almost terminal damage' inflicted upon reformatory penal practice after 1860, Garland that the notably deterrent character of English prisons prior to Gladstone had been due to 'a flight from the earlier interventive reformative' approach.[62]

Moreover, while acknowledging its partial veracity, Forsythe questions the model of social control and class discipline to which both Garland and Foucault subscribe. Both scholars, he contends, commit a further error in dismissing as mere rhetoric notions of universal human value and the reconciliation of prisoners with society that were central to reformatory philosophy.[63] Against their emphasis on 'surveillance, intrusion, discipline and control', he urges us to acknowledge 'a genuine and sustained intention to punish and protect the prisoner according to a framework of legal obligation and a faith that the individual prisoner shares in the universal worth of men and women'.[64] (As a former probation officer, Forsythe has skin in the game: beyond simply observing revisionism's coincidence with penal policy's 'punitive turn' in the late 1970s, he blames Foucault directly for having

[60] Wiener, *Reconstructing the Criminal*, pp.371-4, p.380.
[61] Bailey, 'English Prisons', p.320.
[62] Forsythe, 'Garland Thesis', p.261, p.266.
[63] Idem., *Penal Discipline*, pp.4-5, pp.241-2.
[64] Ibid., p.242.

'deeply compromised or even discredited the reformatory endeavour in prisons.'[65]) Thus, when Alyson Brown writes of Forsythe 'advocating a position between the ideological totalities of Foucault and … detailed but fragmented' accounts of the early-Victorian prison, this is only half the story.[66] It might be more accurate to say that he is revisionist in his insistence on a sustained (albeit interrupted) programme aimed at the permanent alteration of prisoners' attitudes and behaviour, yet whiggish in accepting at face value its proponents' humanitarianism. He is, as he observes, both 'suspicious of the hostility which the reformists aroused [among revisionists] and doubtful of the counter-revisionist assertion that their influence upon practice was slight.'[67]

The reformatory practice of Forsythe's first period is a full-blooded affair, drawing on both Benthamite utilitarianism and evangelical Christianity, the latter strand reaching its fullest expression in the architecture and regime of the separate prison.[68] Reformation redux after 1895 is milder, with 'cautious' allowance made for positivist criminology, to which administrators turned for 'concrete solutions to practical problems'. This is not to say that either period banished deterrence altogether. Forsythe stresses that, during both, prison regimes were 'grounded on classical principles of culpability and measured punishment'.[69] But he views such 'traditional' severity as distinct from the 'very severe and deterrent regime' found in English prisons between 1865 and 1895, a period 'unambiguously characterised by a sharp acceleration away from earlier more optimistic … aspirations.'[70] In characterising prisons during these decades as 'overwhelmingly deterrent', he concurs with Garland, who notes that Du Cane's avowal of reformation as a secondary penal aim should be seen as an element of the regime's 'official representations' rather than its 'operational objective'.[71] Forsythe's explanatory mode is, however, closer to Wiener's than to Garland's. He attributes the decline of reformatory practice to the impact of evolutionist thought, with which it coincided, and its subsequent resurgence to a 'second wave of evolutionist

[65] Ibid., p.5.
[66] Brown, *English Society*, p.59. As examples of the latter, she cites Zedner, *Women, Crime, and Custody* and Margaret DeLacy, *Prison Reform in Lancashire 1700-1850: A Study in Local Administration* (Manchester: Manchester University Press, 1986).
[67] Forsythe, *Reform of Prisoners*, p.8.
[68] For a recent study, see Neil Davie, *The Penitentiary Ten: The Transformation of the English Prison, 1770-1850* (Oxford: Bardwell Press, 2016).
[69] Forsythe, 'Garland Thesis', p.263.
[70] Forsythe, *Penal Discipline*, p.20; idem., *Reform of Criminals*, p.215.
[71] Idem., 'Garland Thesis', p.266; Garland, *Punishment and Welfare*, pp.16-7.

theorising', earlier pessimism having by now been tempered by the identification of different criminal types and an acknowledgement of environmental factors.[72]

Finally, in summarising these five competing accounts of penal change in late-Victorian and Edwardian England, we should acknowledge a sixth, Seán McConville's *English Local Prisons 1860-1900: Next Only to Death* (1995), the second of a two-part history of English prison administration between 1750 and 1900.[73] Though remaining above the historiographical fray, McConville devotes much of the volume to a fine-grained account of events leading to the Gladstone inquiry, its 'amateur and inefficient' prosecution and immediate aftermath.[74] The 1898 Prison Act, he argues, should be understood primarily as a completion of the process, initiated under its 1877 predecessor, whereby English prisons were brought under central government control. The Act's true significance lay not in its heralding a new era of penal policy and practice, but rather in the surrender by Parliament under its terms of the legislative power to initiate or change prison rules (as Garland, Bailey, and Radzinowicz and Hood all observe in passing[75]). After 1898, McConville notes, such authority belonged exclusively to the Home Secretary, and hence, in effect, to senior civil servants.[76] Any change beyond this he views largely as discursive sleight-of-hand on the part of Ruggles-Brise. In 'presenting imprisonment as inherently reforming' simply by dint of its imposing on offenders a regular domestic routine, the Prison Commission's new chairman managed to resurrect the early Victorian reformatory ideal, though now shorn of the need for costly 'reformatory mechanisms' such as separate confinement, education and trade-training. In lieu of these, he lauded order, obedience, cleanliness and industry – qualities, that is, conveniently 'incidental to institutional routine' - as characteristic of a '"quiet and unostentatious"' English penal approach. This 'significant and wholly expedient synthesis', McConville observes, enabled Ruggles-Brise to side-step the Gladstone's Committee's call for its proposed reforms to be sufficiently resourced, allowing the Prison Commission 'to embrace the rhetoric of reformation, but to administer the prisons much as before'.[77]

[72] Forsythe, 'Garland Thesis', pp.264-6; idem., *Penal Discipline*, p.12.
[73] It was preceded by *A History of English Prison Administration: Volume I 1750-1877* (London: Routledge & Kegan Paul, 1981).
[74] McConville, *Local Prisons*, p.549.
[75] Garland, *Punishment and Welfare*, p.23; Bailey, 'English Prisons', p.294; Radzinowicz and Hood, *Penal Policy*, p.582.
[76] McConville, *Local Prisons*, p.701, p.753.
[77] Ibid., pp.695-6.

It is now over a generation since this scholarly debate took place, its participants differing, as we have seen, not only on the character of penal change - whether springing, that is, from a genuinely humanitarian impulse or driven, as Foucault and others argued, by the imperative of effective social control - but on the manner in which such change occurred, as well as its extent, pace and periodisation. The purpose of revisiting it here is simply to assess at the present study's outset the kind of practice with which we might be dealing, and to suggest ways of thinking about it in relation to a wider historical process. To this end, we might at this stage move from a crude revisionist/Whig dichotomy to a distinction drawn by Wiener between revisionists (from whom he disassociates himself, but among whom his critics invariably place him) and a contrasting 'historiographical orientation' he terms 'pragmatist'.[78] Scholars of the latter tendency, Wiener writes, view penal history as a matter of 'ad hoc expedients, taken by practical men dealing on a day-to-day basis with largely unforeseen situations, responding to ever-shifting circumstances.' He cites as examples Bailey, McConville, and Radzinowicz and Hood.[79] The distinction will only take us so far, but it is useful inasmuch as it allows us to identify a counter-revisionist preference, not for optimistic teleology (which for Bailey and McConville, at least, would be far from the case), but rather modes of explanation that privilege narrow, operational factors - factors, that is, internal to prison administration itself – while emphasising penal change's highly contingent character.

Revisionists, it will be noted, tend to situate penal change within a broad historical context: Foucault in the displacement of sovereign power by a 'disciplinary' variant; Garland in the transition from a laissez-faire to a monopoly form of capitalism; Wiener in a 'profound reshaping of the human image' during the nineteenth century. This is not to suggest that the history of ideas is absent from pragmatist accounts - far from it. But the tendency among pragmatists is to confine such investigation to the political and cultural milieus of senior prison administrators, penal policy-makers and penal reformers themselves. Bailey, for instance, remedies what he sees as neglect by both Garland and Wiener of the contribution by radical humanitarianism to penal reform after 1895 by attempting 'to reconstruct the penal culture of this period in its full complexity'.[80] In doing so, he identifies the pivotal role

[78] Wiener, *Reconstructing the Criminal*, p.4. He also identifies a third 'internalist' orientation that need not concern us here: its 'adherents … traditionally based in law schools, see criminal law … as a highly autonomous field of thought and action that develops with its own internal logic'.
[79] Ibid., pp.5-6, also f.n.16, f.n.18.
[80] Bailey, 'English Prisons', p.293.

played by Henry Salt's Humanitarian League both in campaigns leading to the Gladstone Committee and in the production, a quarter of a century later, of Hobhouse and Brockway's Labour Party report. Moreover, he points in particular to the posthumous influence on Edwardian penal policy and administration of T.H. Green, the Oxford scholar whose philosophic Idealism emphasised both moral culpability and civic duty, providing New Liberalism its intellectual foundation, and to Green's influence on Ruggles-Brise, his student devotee at Balliol in the late 1870s.[81] Radzinowicz and Hood, too, acknowledge the importance of Green, as does McConville, who notes his probable influence on Herbert Asquith (also at Balliol), who as Home Secretary appointed the Gladstone Committee.[82] Forsythe is similarly attuned to the specific intellectual currents in which policy-makers, reformers and senior administrators were immersed, but Garland mentions Green only in passing and Wiener not at all, the latter chiding Radzinowicz and Hood for their reliance on 'vague references' to New Liberalism.[83]

For Wiener, pragmatist accounts, for all their erudition and diligence, in eschewing attempts to discover penal history's 'underlying structure or logic', ultimately obscure penal policy's 'sources and contexts'. Radzinowicz and Hood, he complains, treat penal policy as 'a self-contained and self-explicable sphere' divorced from 'politics, social relations and culture'.[84] For those Wiener labels pragmatists, however, a broad revisionist aperture risks losing sight of what Bailey characterises as the 'tentativeness, variability and complexity' of penal policy and practice. To 'talk of a governmental strategy of social control, endowed with a clear set of aims and the wherewithal to implement them,' Bailey observed in 1981, 'is to mask the unplanned nature of penal change.'[85] Similarly, McConville, writing at the same time, found it 'remarkable how many works dealing with penal and social policy confine themselves to the philosophy, crises and compromises behind new legislation or administrative change', even though 'time and again instances emerge where the practical problems of management … have substantially altered policy.'[86] With regard to the appointment of the Gladstone Committee itself, he observes that '[a]dministrative

[81] Ibid., pp.310-5.
[82] Radzinowicz & Hood, *Penal Policy*, p.18, p.598; McConville, *Local Prisons*, p.550.
[83] Forsythe, *Reform of Prisoners*, pp.219-21; idem., *Penal Discipline*, pp.14-5; Wiener, 'Penal Progress', p.91.
[84] Wiener, 'Penal Progress', p.85; idem., *Reconstructing the Criminal*, pp.5-6.
[85] Victor Bailey, 'Introduction', in *Policing and Punishment in Nineteenth-century Britain*, ed. idem. (London: Croom Helm 1981), pp.17-8.
[86] McConville, *Prison Administration*, p. xi.

maladroitness and mishap played their part, as did accident', while ascribing the eventual toppling of Du Cane to a 'haphazard combination of circumstances'.[87]

A line can, then, be drawn between revisionists and pragmatists in terms of a preference for situating penal change within either broader or narrower contexts. What of the extent of such change, its pace and historical periodisation? Here, as we have seen, revisionists differ among themselves, Garland challenging Foucault in arguing for a transformation, not in the late eighteenth and early nineteenth century, but instead between 1895 and 1914, Forsythe proposing a transition corresponding to Foucault's, followed by a turn to deterrence after 1860 and then the shift observed by Garland after 1895. Both, however, like Foucault, view such changes as sudden and profound. Less abrupt is Wiener's transition from 'Victorian' to 'post-Victorian' interventionism, taking place between the 1870s and the 1890s. But the break he proposes is as decisive as those of his fellow revisionists - indeed, if anything, more so.

The tendency among pragmatists, by contrast, is to emphasise continuity before and after 1895. From this perspective, as Hobhouse and Brockway observed in 1922, changes to prison rules under the 1898 Act 'did not constitute anything approaching to a revolution in the regime … but were rather a development, on less repressive lines, of the older system of discipline' associated with Du Cane.[88] Bailey describes the 'pace of progress in humanizing prisons' between 1895 and 1921 as 'glacial', the Gladstone Committee's 'good intentions' notwithstanding, and 'decidedly halting' thereafter.[89] McConville, similarly, argues that the Committee ultimately achieved little more than the survival of 'a major portion of Du Cane's heritage, repackaged for Edwardian consumption'. Even in the 1960s, he observes, much of England's 'superstructure of imprisonment … followed the outline of the foundations laid' a century earlier, which subsequent administrators, politicians and reformers 'left surprisingly undisturbed'.[90] Alyson Brown concurs with such assessments: reviewing the lines of this debate in *English Society and the Prison: Time, Culture and Politics in the Development of the Modern Prison, 1850-1920* (2003), a study whose focus on prison disturbances corrects Foucauldian notions of institutional totality, she concludes that reform implemented after 1895 'was not far-reaching' and did little to alter 'the fundamentally deterrent character' of

[87] Idem., *Local Prisons*, p.549.
[88] Hobhouse & Brockway, *English Prisons*, p.73.
[89] Bailey, 'English Prisons', p.296, pp.300-1, p.322.
[90] McConville, *Local Prisons*, p.549.

convict and local prison regimes.[91] As Brown observes elsewhere, 'the vision of the well-ordered prison of the 1920s and 1930s … was fragmented in its implementation, wedged into systems and routines that had been developed largely in the first half of the nineteenth century.'[92]

## The star class in historical context

There is, then, considerable disagreement among scholars regarding the pace and extent of penal change in late nineteenth- and early twentieth-century England. Despite this, however, a degree of consensus can be observed as to the broad outlines of this process. Most scholars agree that an initial period of radical transformation, beginning in the late eighteenth century and gathering pace during the first half of the nineteenth century, was followed by a period notable for the deterrent severity of its penal practice, lasting from the early 1860s until the mid-1890s. This was succeeded in turn by an amelioration of deterrent severity, at least to an extent, which accelerated after 1921. It is within these contours that the present study's topic must be situated. Given the historical character of the convict star class, with one foot in late-Victorian deterrence and the other in interwar progressivism, the fit may feel less than snug. That is to say, such continuity is at odds with the period's conventional division into 'Du Cane' and 'Ruggles-Brise' eras.

As far as the latter is concerned, scholars tend, as we have seen, to agree on a reformatory element to English penal practice after 1895. Both Bailey and McConville dismiss this as little more than rhetorical, but, such scepticism aside, the modes of practice described in the Foucauldian accounts of Garland and Wiener sound not dissimilar to the 'unsatisfactory hybrid' of Radzinowicz and Hood. Garland concludes his volume by conceding a 'definite discrepancy between the structural logic' it describes and penal institutions' 'subsequent operation'. Sounding a distinctly pragmatist note, he ascribes this gap to 'the operation of resistances, contradictions, limitations and failures' encountered by any 'complex strategy'.[93] At ground level, the prison 'continued to operate the traditional objectives of security, uniformity, and strictly enforced patterns of obedience, albeit with important modifications in its disciplinary techniques.'[94] Wiener's account ends with a similar caveat: though discourse on punishment, both within government and among the public, had 'substantially altered' by

[91] Brown, *English Society*, p.135.
[92] Idem., 'Challenging Discipline and Control: A Comparative Analysis of Prison Riots at Chatham (1861) and Dartmoor (1932)', in *Punishment and Control*, ed. Johnston, p.206.
[93] Garland, *Punishment and Welfare*, p.257.
[94] Ibid., p.24.

1914, penal practice 'lagged well behind principle'. The 'punitive impulse' was 'ever more attenuated' but had 'by no means evaporated', liberty, the rule of law and 'generally accepted moral values' all ultimately at odds with a fully embraced determinism.[95] Forsythe, for his part, when it comes to his second period of reformatory practice (his account, unlike others considered here, extending all the way up to 1939), reprises the virtuous compromise – or, alternatively, the fudge – of Radzinowicz and Hood's 'English eclecticism'. The 'reformatory project', he observes, 'was at its heart one in which the latest teachings of science might be called into the service of old fashioned beliefs about reformation, moral example, appeal to the sensitivities and the overcoming of evil by good by religion, [*sic*] discipline, education and instruction.'[96] Prison administrators remained 'suspicious of abstract or extreme ideas', while convict and local prisons 'clung tenaciously' to the classical principles of uniformity, culpability and deterrence.[97]

The deterrent character of penal practice during the earlier years of the study's period – that is, between 1863 and 1895 – is also, as we have seen, largely undisputed. Radzinowicz and Hood note that Du Cane did not repudiate reformatory practice altogether, though he held that 'reformation should never be pursued in such a manner as not to interfere with deterrence.'[98] Forsythe, similarly, concedes that Du Cane 'saw reformatory influences as having a part to play in a prison' and was 'convinced' of their availability to 'all who could benefit' from them. Genuine reformatory endeavour, however, was inimical to his preoccupation with uniformity and economic management, and in practice such influence was heavily circumscribed.[99] McConville, too, notes that Du Cane recognised reformation as a secondary penal aim, 'though always accompanied by a belief that the primary objective was deterrence.' Such reformatory influence as there was, he observes, came in the form of prison work, trade training and education (reduction of the latter after 1863 notwithstanding). This was aimed primarily at younger prisoners, for whom, according to Du Cane, good conduct might be rewarded (as we shall see in Chapter 3) by 'more interesting employment'.[100]

[95] Wiener, *Reconstructing the Criminal*, p.379, p.365.
[96] Forsythe, 'Garland Thesis', p.271.
[97] Idem., *Penal Discipline*, p.17, p.239.
[98] Radzinowicz & Hood, *Penal Policy*, p.528.
[99] Forsythe, *Reform of Prisoners*, pp.195-7.
[100] McConville, *Local Prisons*, pp.180-1, also f.n.126.

To this consensual image of a period characterised by 'overwhelming' deterrence, to which a feeble reformatory impulse remained thoroughly subordinate, only Wiener offers a dissenting view. Rather than posit either rupture or continuity between 'Du Cane' and 'Ruggles-Brise' eras, he effectively rejects such division in favour of a period extending from the 1820s to the mid-1870s, followed by another lasting until the First World War. The second of these corresponds to the history of the convict star class, which, following its establishment in 1879, then persisted throughout the Edwardian period and beyond. It therefore demands our consideration. For Wiener, as we have seen, 'pressures … that would force changes in the criminal justice system' began to mount not in the late 1880s but a decade earlier, 'the system's ideological and social underpinnings … crumbling away' even as its 'mid-Victorian form was being brought to perfection.'[101] Hence the shift in penal policy and practice located by both Garland and Forsythe in the years after 1895 'was actually well underway in the heyday of Du Cane'. Wiener detects its 'anticipatory tremors' as early as the 1878-79 proceedings of the Kimberley Commission, a body to which he alone ascribes any great significance (though he mentions the star class, its principal recommendation, only in passing).[102]

At this point, we can return to the topic in question. Can the star class be identified as a form of reformatory practice embedded, at least initially, in a primarily deterrent penal system? Or was it simply an administrative expedient? Garland, for one, suggests the latter. He acknowledges that an absence of individualised treatment in English prisons before 1895 'did not preclude the operation of some forms of classification and categorisation', and that after 1879 this took place 'even … according to the presence or absence of previous sentences of penal servitude' (that is, rather than a prison sentence of any kind and subject to various caveats, as was actually the case). But he insists nevertheless that 'these differentiations were mainly administrative and segregational, carrying little importance in terms of treatment or conditions.'[103] Brown, similarly, noting increased specialisation in the convict system after 1895, observes that the 'segregation of particular groups of convicts', including star men, 'had been developed and refined during the second half of the nineteenth century' and was 'implemented primarily from organisational and administrative motives, to facilitate supervision.'[104] In this, she follows (and cites) Hobhouse and Brockway, who,

[101] Wiener, *Reconstructing the Criminal*, pp.257-8.
[102] Ibid., pp.324-5.
[103] Garland, *Punishment and Welfare*, p.14.
[104] Brown, *English Society*, p.126.

discussing the operation of the star class in local prisons in the early 1920s, thought it 'indisputable' that first offenders had been 'sheltered … from some of the corrupting influences of habitual criminals', but argued nevertheless that 'this only represents the negative object of classification'. Its 'positive and more important object', namely individual treatment, was 'not even dimly hinted at'.[105]

While such assessments are no doubt partly accurate, research presented in this study suggests that they may not be wholly so. As we shall see in Chapter 2, the process whereby convicts eligible for the star class by dint of first-offender status were investigated and selected prior to admission went well beyond mere 'negative' administration. Convict prison officials often made strenuous efforts to establish a prospective star man's credentials, even when it proved difficult to do so, and tended to give borderline cases the benefit of the doubt. A purely administrative practice that lacked reformatory aims would, the chapter argues, simply have dumped such prisoners among the ordinary convict population. For Garland, investigation is a hallmark of the 'modern penal complex' as 'sanctions require knowledge of the offender, of his or her background, family and character, in order to achieve maximum effect'. A recognition of 'special cases' and exceptions to responsible, rational legal subjecthood 'prompt[ed] the question of "who are you?"', leading in turn to 'extra-legal inquiries', with 'officers … now authorised to continue the investigation beyond the court and to relay back their assessment.'[106] Such 'detailed investigation', Garland insists, was entirely absent from English penal practice before 1895, 'as there was no attempt to adopt the sanction to fit the peculiarities of the offender, and consequently no need to "know" or recognise these peculiarities.'[107] Yet, as Chapter 2 shows, a process of this kind, albeit makeshift and rudimentary, and in its early years evidently novel, was conducted from 1879 onwards with regard to convict first offenders.

Moreover, in attempting to determine a convict's antecedents and 'character', this investigation process employed criteria that, in a rare moment of agreement, both Bailey and Garland (discussing classification in local prisons after 1898) identify as those of 'individualisation' (as opposed to 'neoclassical' criteria such as the nature of an offence and its mitigating circumstances).[108] Convicts admitted to the star class were commonly referred to by prison administrators and officials as 'first offenders' (as for concision's sake, they are

[105] Hobhouse & Brockway, *English Prisons*, p.216.
[106] Garland, *Punishment and Welfare*, p.29, pp.25-6.
[107] Ibid., p.15, p.29.
[108] Ibid., p.217; Bailey, 'English Prisons', p.294.

in this study), but this was something of a misnomer. The star class, as discussed earlier, in fact comprised convicts – not necessarily first offenders – selected on the basis of background checks, subject to various additional criteria. Viewed from this perspective, the division appears less an administrative expedient than a form of specialisation, albeit both tacit and fairly crude, and the segregated accommodation of star men explored in Chapters 3 and 4, culminating in the establishment in 1909 of a star-class convict prison at Maidstone, an example of specialisation within the convict system. The latter tendency, as Forsythe notes, dates as far back as the establishment of a juvenile prison at Parkhurst in 1838.[109] In the closing decades of the nineteenth-century, as Wiener argues (and as the present study confirms), it then accelerated, driven by increased perceptions of physical unfitness, invalidity and 'weak-mindedness' within the convict population.[110]

Of course, selecting groups of prisoners for differential treatment does not, as Brown reminds us, 'necessarily imply the predominance of positivist principles of individualisation'.[111] Equally, while Garland observes that 'classification procedures' after 1895 assumed 'a more positive purpose, relating to training allocation, rather than administrative segregation' (a purpose, as we shall see, evident within the star class as early as 1880), he recognises a counter-tendency in subsequent decades for 'classification and individualisation to become an administrative matter and not a therapeutic one.'[112] We might, therefore, at this stage acknowledge that the distinction between classification's 'negative' and 'positive' purpose is somewhat less than clear-cut. Should a prisoner like John Whalley, for instance, whom we will meet in Chapter 3, a 21-year-old Lancashire burglar investigated by convict administrators, selected for the star class, and then selected again for transfer to the new convict prison at Dover, be seen simply as the incidental beneficiary of a 'negative' administrative objective? Or can Whalley's treatment, which afforded him, in his own words, 'an excellent opportunity of improving my knowledge in building construction', be understood to have anticipated that of trainees building borstal institutions at Lowdham Grange and North Sea Camp in the 1930s?[113]

Perhaps the most useful way to think about classification is in terms similar to those in which, according to McConville, it was viewed by the Gladstone Committee: that is, as a

[109] Forsythe, 'Garland Thesis', pp.263-4; idem., *Penal Discipline*, p.63.
[110] Wiener, *Reconstructing the Criminal*, pp.313-21.
[111] Brown, *English Society*, p.129.
[112] Garland, *Punishment and Welfare*, p.30, p.258.
[113] TNA PCOM 3/761: October 1885.

compromise between individualisation, on the one hand, and uniformity on the other, allowing groups such as first offenders, juveniles, and recidivists 'to receive appropriate but uniform treatment.'[114] We should, however, bear in mind the narrow application of such treatment, at least with regard to first offenders. This was especially true before the star class was extended to local prisons in 1896, up to which point, according to Radzinowicz and Hood, its population was so tiny as to be negligible.[115] Chapter 2 argues that this assessment is somewhat misleading, but it is true that star men were indeed a minority of convicts, who were themselves a fraction of the English prison population. As such, their experience can hardly be said to have been typical.

The implementation after 1895 of reformatory practice in a limited form to a select group of prisoners is, as we have seen, entirely consistent with historical accounts of the period, revisionist or otherwise. But it is distinctly at odds with Garland's view of penal practice in the 1880s and early 1890s as almost exclusively deterrent, and with his assertion that the 'development of specific practices of … classification, categorisation and discrimination between criminal types simply did not occur in Britain until after 1895.'[116] The convict star class represents somewhat less of a historical anomaly, however, if we follow McConville, Forsythe, and Radzinowicz and Hood in recognising the genuine, albeit subordinate and highly circumscribed, role played by reformatory practice under Du Cane. We should also recall Wiener's view of the 1880s as a decade when deterrent practice found itself undermined, while forms of individualisation to which it would eventually give way became at the same time increasingly common. Ultimately, the question of whether the star class represented a form of secondary reformatory practice, albeit unexpectedly vigorous, within a predominantly deterrent regime, or the early precursor of the 'eclecticism' common in English prison administration after 1895, or an 'anticipatory tremor' of the individualised treatment characteristic of twentieth-century 'welfarism', is perhaps as much as anything a semantic one. Nevertheless, if we accept that, whether seismic or not, a shift of some kind occurred in English penal policy and practice at the very end of the nineteenth century – and, moreover, that such change gathered pace in the years following the First World War – then evidence presented in the pages that follow suggests that the origins of this change lie in the late 1870s and early 1880s. This, as we have seen, is the contention of Wiener, who is alone among the scholars reviewed here in both arguing (*contra* Bailey and McConville) for the

[114] McConville, *Local Prisons*. p.657.
[115] Radzinowicz & Hood, *Penal Policy*, p.549, also f.n.92-3.
[116] Garland, *Punishment and Welfare*, p.32.

decisive character of penal change in the late nineteenth century, while at the same time (*contra* Garland and Forsythe) recognising continuity across the 'Du Cane' and 'Ruggles-Brise' eras.

To concur with this is not necessarily to accept Wiener's wider thesis that penal change reflected a deeper alteration during the Victorian period in conceptions of human nature. This no doubt has some truth to it, as does the more conventional socioeconomic revisionism of Garland and his precursors. But at the same time, evidence presented in Chapter 2 of this study (as mentioned) suggests that in implementing the Kimberley Commission's recommendation, senior civil servants, and prison administrators and officials were guided by a genuine, if somewhat woolly, humanitarianism; an aspiration, that is, of the kind described by Forsythe. To treat both Whig and revisionist interpretations of penal change as valid is not necessarily a contradiction; there is, after all, no reason why prison reformers should not have aimed to both alleviate unnecessary suffering and enhance social regulation. The scope of the present study, however, does not allow much room for speculation about penal change's underlying cause. Instead, the study finds sufficient explanation for the phenomenon it describes in factors internal to the prison system itself; that is to say, it is - at least in this sense – pragmatist. As recounted here, the story of the star class is, to reprise Wiener, very much one of 'ad hoc expedients, taken by practical men dealing on a day-to-day basis with largely unforeseen situations, responding to ever-shifting circumstances.'[117]

We might also observe that, in emphasising internal factors, Wiener's own explanation of (what he perceives as) an increased tendency towards individualisation in the convict system during the 1870s and 1880s is somewhat pragmatist. Stringent uniformity, he argues (which, as we have seen, he ascribes, not altogether convincingly, to the imperative of character-building), served ultimately to reveal 'exceptional categories' – women, juveniles, lunatics, the 'weak-minded'- for whom severe deterrent punishment was considered inappropriate. It was, he observes, ironic that the 'more lax, less single-minded regime' of earlier eras 'would not have revealed these problems', yet no sooner had 'penal methods of certainty, uniformity and severity been established than they began to be qualified'.[118] He also points – again pragmatically - to the part played in observing and classifying such exceptions by prison

[117] Wiener, *Reconstructing the Criminal*, p.5.
[118] Ibid., pp.308-9.

medical officers, whose role, as he notes, was enhanced in local prisons following the 1865 Prison Act, and in convict prisons in the wake of the Kimberley Commission.[119]

To the list of exceptional categories Wiener adds another, to which the following chapter will shortly turn: that of the 'accidental criminal', whose most visible and vocal constituent was the so-called 'gentleman convict'.[120] Wiener is alone among scholars in granting the latter even a measure of significance, and, indeed, in viewing the Kimberley Commission itself as a minor watershed. His insights and observations with regard to the Commission, and to 'gentleman convicts' in particular, were the starting point for the research upon which the present study is based. The study's fundamental research questions – What was the star class? Were men assigned to it treated differently? Did it serve to shield 'gentlemen' from other prisoners? Why were men sentenced for 'unnatural' offences excluded from it? – led, however, not the situating in a revisionist mode of 'disciplinary' penal practice within a wider political, economic and/or cultural framework. Instead, the study takes the form of a detailed investigation into a process initiated in response to specific exigencies, which then developed in unforeseen ways, creating fresh problems and contradictions for which further novel solutions were sought. This pragmatist orientation was, to stress, not driven by an ideological preference for one mode of explanation over another; it is simply the direction in which, time and again, the evidence pointed. By 1914, as we shall see, the star class had assumed certain distinct contours. But there is little – if anything – to suggest that its eventual shape was to any great extent *planned*. That said, the study's research topic carries a distinctly Foucauldian flavour in that it relates to classification, which, as we have seen, Foucault identifies as a key mechanism of disciplinary power. Yet scrutinising the operation of this mechanism at ground level reveals less an unfolding penal logic than contingency, compromise, improvisation and muddle.

[119] Ibid., pp.313-6.
[120] Ibid., pp.310-2.

## CHAPTER 1: 'Contamination' in English convict prisons before 1879

In July 1879, following hearings that had lasted for well over a year, the Kimberley Commission published its final report. As we saw in the Introduction, the Commission identified as the convict system's 'first and most important' shortcoming a 'deteriorating effect' upon first offenders and 'the less hardened' due to 'the indiscriminate association of all classes of convicts on the public works.' While acknowledging that some of its witnesses had perhaps exaggerated the 'actual amount of contamination', the Commission concluded that illicit communication was inevitable among convicts labouring in association, resulting in 'evil advice and conversation' passing between the 'hardened and habitual criminal' and 'the less hardened, and especially the younger convicts'. The issue was one the Commission had 'anxiously considered', leading it to recommend 'a distinct class of those against whom no conviction of any kind is known to have been recorded.'[1]

The implementation of this recommendation in the decades that followed will be explored in subsequent chapters. Before that, however, the present chapter begins by examining its rationale. Employed in a penal context, the term 'contamination' referred primarily to criminal pedagogy; the notion, that is, of the prison as a 'school of crime', wherein novices were initiated by experienced fellow prisoners into a life of professional thievery. But was the danger feared by the Commission and its witnesses confined to criminal pedagogy alone, or did 'contamination' carry secondary meanings and resonances? The exclusion from the proposed division of men 'guilty of unnatural crimes and indecency' - who, the Commission emphasised, would 'of course, not be admitted' - alerts us to this possibility.[2] Moreover, close scrutiny of the Commission's minutes of evidence and other sources indicates a range disciplinary issues to which the term was attached. This chapter aims, therefore, to unpack 'contamination' to its fullest extent, and to provide the Commission's recommendation a detailed historical context. Why did the Commission consider it a matter of particular urgency? And why, and how, was the segregation of first offenders arrived at as an appropriate response?

Setting aside for the moment the question of what 'contamination' might have meant, we can observe at the outset that its prevention was seen as imperative by prison administrators and reformers alike, as well as by many former convicts. In its 1886 report, the Howard

[1] *Kimberley*, pars.72-4, par.78, pp. xxvii-xxix.
[2] Ibid., par.79, p. xxx.

Association (founded twenty years earlier, the precursor to the Howard League for Penal Reform) stated that 'the fundamental principle of all prison efficiency consists in the *utmost practical amount of separation from evil companionship*' [original stress].[3] Writing at the same time, John Campbell, who had served as a convict medical officer (MO) for over thirty years, noted that 'to avoid all contaminating influences' was 'of infinite importance'.[4] In a prison memoir published twenty years later, Jabez Balfour, a businessman and former Liberal MP who served ten years of a fourteen-year sentence for fraud, following the collapse of the building society he had served as director, described the segregation of men such as himself 'from the degradation and contamination of association with habitual criminals' as 'an essential and primary condition of any well-ordered penal system'. Effective classification, he informed his readers, was 'the root, the basis, of any wise penal system.'[5] This imperative would continue to drive English penal policy well into the twentieth century: Alexander Paterson, the interwar period's leading senior prison administrator, observed that 'the contamination of the bad by the worse must at all costs be avoided'. In a prison's 'confined and artificial environment', he warned, the association of prisoners 'may well lead to grave dangers, unless every possible precaution is taken to isolate corrupting influences, and protect the comparative novice from the domination of the expert criminal.'[6] It was only in the post-war period that such anxieties began to subside: by 1952, the Prison Commission's chairman, Lionel Fox, can be found taking a relaxed view of the 'bogy of contamination'.[7]

This chapter will return presently to the Kimberley Commission and its witnesses. Before that, however, it begins by exploring the resonance of the term 'contamination' in relation to social policy during the century preceding the Commission's report, and the ways in which fear of contamination shaped penal policy and practice during this period. Also discussed are the circumstances that led, from the late-1840s, to the incarceration of ever heavier concentrations of serious offenders in English prisons, which in turn exacerbated such fear. The chapter then examines two specific issues, beyond criminal pedagogy, to which the term 'contamination' was attached: mass disorder and prison sex. Following this, it looks at specific measures taken to prevent contamination in the years between an 1863 royal

[3] *Howard Association Report* (1886), p.8.
[4] John Campbell, *Thirty Years' Experience of a Medical Officer in the English Convict System* (London: T. Nelson & Sons, 1884), p.114.
[5] Balfour, *Prison Life*, p.45, p.361.
[6] Alexander Paterson, *Paterson on Prisons: Being the Collected Papers of Sir Alexander Paterson M.C., M.A.*, ed. S.K. Ruck (London: Frederick Muller, 1951), p.47. A chapter on classification is drawn from documents dated between 1925 and 1946.
[7] Fox, *Prison and Borstal Systems*, p.146.

commission on penal servitude and its 1878-9 successor. In the second half of the chapter, we turn to the 'accidental criminals' feared by the Commission to be at risk of contamination, and, in particular, to so-called 'gentleman convicts'. The chapter's concluding sections explore the exposure of such convicts to obscene language, their role in shaping the Commission's eventual recommendation, and the extent to which the 'filth' of which they complained may have transcended mere conversation.

The 1863 Penal Servitude Acts Commission (known as the Grey Commission after its chairman, the former Whig Colonial Secretary Henry Grey, 3rd Earl Grey) was established in the immediate wake of the 1862 'garrotting scare'. A press-fuelled panic about violent street robbery in London, supposedly committed by men released on licence from convict prisons, the 'scare' represented the culmination of a decade of public disquiet about the release of convicts on English soil.[8] Hence the Grey Commission was concerned primarily with arrangements for the early release of convicts and their supervision thereafter, and paid negligible attention to the embezzling clerks, 'gentleman' fraudsters and other 'accidental criminals' with whom, as we shall see, the Kimberley Commission would find itself preoccupied. Such little interest as there was had less to do with these prisoners' vulnerability to contamination than with their lack of suitability for heavy manual labour if transported to Australia.[9] Thus, we can detect a shift in emphasis occurring during the fifteen-year period separating the two commissions. By 1878, fear of the *internal* risk to a vulnerable section of the convict population - albeit one that, once corrupted, would go on to pose an external social threat - had supplanted the Grey Commission's fear of the risk posed to the nation by convicts released within its borders.

Observing this shift allows an initial distinction to be drawn between the putatively contaminating effect of the prison on the world beyond its walls and contamination within those walls of prisoners by one another. This distinction is, however, by no means cut-and-dried: indeed, this chapter examines the way in which quite different senses of 'contamination' tended to blur and, in doing so, to increase the term's overall potency. To external and internal contamination belonged two distinct architectures of segregation, which combined to produce the modern prison in its recognizable form: on the one hand, external

[8] Peter Bartrip, 'Public Opinion and Law Enforcement: The Ticket-of-Leave Scares in Mid-Victorian Britain' in *Policing and Punishment*, ed. Bailey, pp.162-5.
[9] *Report of the commissioners appointed to inquire into the operation of the acts … relating to transportation and penal servitude*, PP 1863 [3190] XXI, 1 (hereinafter *Grey*), qq.761-2, pp.68-9.

walls and defences (often situated on an island) to contain contamination; on the other, cellular accommodation to prevent its internal spread. As Carolyn Strange and Alison Bashford (respectively, a criminologist and a historian of medicine) observe, internal segregation was an imperative common to both medical and penal administration, its necessity due precisely to the presence within both types of establishment of supposedly dangerous populations in heavy concentration.[10]

> Because places of isolation [Strange and Bashford write] are also places of concentration, managers and experts have worried constantly, and not unwarrantedly, about the possibility that exclusionary practices might unintentionally increase undesirable behaviours and breed new and unforeseen dangers. … [S]eparation and segregation solved some problems (of disease, of crime, of the roving and raving mad) but concentration in space also produced *new* problems specific to the techniques of isolation itself.[11]

This dialectic, they note, tended to attract 'metaphors of contagion', which were 'used repeatedly to describe the reproduction of undesirable or dangerous qualities, acts, symptoms, identities and practices in enclosed spaces and institutions of confinement.'[12] This corresponds closely, as we shall see, to the deployment in a penal context of the term 'contamination'. But though clearly serving in some respects as a metaphor, 'contamination' can at the same time be seen to have transcended the metaphorical in that certain convicts were thought actually to pass on ideas, attitudes and modes of speech and behaviour when brought into contact with their fellows; to contaminate them, that is, in a literal sense. More than simply a metaphor of contagion, 'contamination' was central to the conceptual apparatus of nineteenth- and early twentieth-century penal discourse. As such, the term was both powerful and slippery.

## Contamination before 1863

Warning in 1876 against the 'crowding together' in prisons of 'minds debauched by criminality', *The Lancet* provided both a fine example of the use in this context of a contagion metaphor and a vivid depiction of the manner in which contamination among prisoners was believed to occur. 'The evil,' explained the journal's correspondent, 'acquires

[10] Carolyn Strange & Alison Bashford, 'Isolation and exclusion in the modern world: an introductory essay', in *Isolation: Places and Practices of Exclusion*, ed, idem. (London: Routledge, 2003), p.4.
[11] Ibid., p.12.
[12] Ibid.

new power of mischief in concentration, just as contagious or infectious diseases gain greater virulence by the aggregation of cases. The mischievous influences are, so to speak, focussed, and acting and reacting mutually, they develop with augmented energy, and bear bad fruit multiplied a hundredfold.'[13] Medicine had by this time emerged as a central component of the British state's machinery and often supplied the language, categories and concepts through which social and moral complexity was explained and understood.[14] But its foremost application in this respect remained the conflation of criminality and disease: both concepts were sites at which discourses of science, municipal administration and individual morality converged, having evolved in tandem throughout the nineteenth century to reach its final decades inextricably entwined.[15] Widespread notions of crime as a kind of infection, and of the prison as its fecund breeding ground, dated back a century earlier, however, owing much to the enduring influence of John Howard's *The State of the Prisons*, a comprehensive survey of the decrepit gaols of Georgian England and Wales, first published in 1777. A dissenting country gentleman whose appointment as high-sheriff of Bedfordshire prompted an obsessive interest in prison conditions, Howard's urgent and overriding aim had been to curb outbreaks of epidemic typhus or 'gaol fever'. This was understood to arise, as the latter sobriquet suggests, from filthy prison conditions, and had been known on occasion to prove as fatal to judges, lawyers and courtroom witnesses as to prisoners and their visitors and gaolers.[16] Howard's widely-read volume thus combined observations on the causes of 'gaol fever' with those on prisoners' moral condition, thus helping to cement the notion that criminality and disease were somehow linked.[17]

Contemporary notions of disease transmission bolstered the association still further. Contagion - that is, transmission via direct bodily contact - had for millennia been recognised as instrumental in the epidemic spread of some diseases.[18] Prior to the advent of bacteriological science, however, the transmission of many communicable diseases – among them cholera, which arrived in Britain for the first time in 1831 – was just as likely to be understood as occurring via contaminated air. According to this model, disease generated

[13] *The Lancet*, 11 March 1876, republished as a single-page Howard Association pamphlet.
[14] Christopher Lawrence, *Medicine in the Making of Modern Britain 1700-1920* (London: Routledge 1994), p.55, pp.70-1.
[15] Robert Peckham, 'Pathological Properties: Scenes of Crime, Sites of Infection', in *Disease and Crime: A History of Social Pathologies and the New Politics of Health*, ed. idem. (New York: Routledge, 2014), p.51.
[16] McConville, *Prison Administration*, pp.50-1; R.F. Quinton, *Crime and Criminals 1876-1910* (London: Longmans & Co., 1910), pp.170-2.
[17] McConville, *Prison Administration*, p.85.
[18] Peter Baldwin, *Contagion and the State in Europe, 1830-1930* (Cambridge: CUP, 1999), pp.2-3.

spontaneously from decomposing matter, from which so-called miasmas - invisible clouds of noxious vapour - were believed to rise.[19] Contamination was in this way central to evolving nineteenth-century concepts of communicable disease. Such concepts also remained wedded, not least in the lay imagination, to persistent agricultural and industrial analogies dating to classical antiquity.[20] Among these, the spread of rot from one fruit to another corresponded closely to the way in which prison administrators and officials believed contamination to occur among convicts. Of course, the 'bad apple' analogy not only predates nineteenth-century disease theory but transcends medicine and science altogether. In Chaucer's 'The Cook's Tale', for instance, a master releases an 'unruly servant' in response to the proverb, 'Best throw the rotten apple from the hoard / Before it has a chance to rot the remnant'; we are reminded here both of contamination's pedigree as a popular concept and of its integral ties to notions of personal morality.[21] It relied, moreover, on empirically observable yet morally charged concepts of purity and pollution, a dichotomy central to sanitary reform, whose advocates, the lawyer and civil servant Edwin Chadwick chief among them, conflated physical health, cleanliness, dirtiness and disease with their moral equivalents.[22]

More than merely reflecting its imperatives, however, penal reform can be understood as sanitary reform's direct precursor.[23] For Howard in the 1770s as for Chadwick in the 1840s, physical and moral pollution were twin adversaries to be fought on a single front. Howard made little distinction between disease and disorder, which were equally rife in the prisons he visited, regarding the tumult of indiscriminately mixed dormitories and yards, and the prisoner subcultures that thrived therein, as he would a defective gaol sewer; that is, as products of inefficient prison administration.[24] Consequently, new prisons built and managed according to Howard's precepts, such as the Surrey county gaol at Horsham, which opened in

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[19] Ibid., pp.127-8; Anthony S. Wohl, *Endangered Lives: Public Health in Victorian Britain*, (London: Methuen, 1983), p.121; Margaret Pelling, 'The meaning of contagion: Reproduction, medicine and metaphor', in *Contagion: Historical and cultural studies*, ed. Alison Bashford & Claire Hooker (Abingdon: Routledge, 2001), pp.24-5.

[20] Pelling, 'The meaning of contagion', p.20.

[21] 'Wel bet is roten apul out of hoord / Than that it rotie al the remenaunt', Geoffrey Chaucer, *The Canterbury Tales*, trans. ed. David Wright (Oxford: OUP 1986). In Hazlitt's *English Proverbs and Proverbial Phrases Collected from the Most Authentic Sources* (London: Reeves & Turner, 1907) we find, 'The rotten apple (or tooth) injures its neighbor', p.436; the fourteenth-century *Ayenbite of Inwyt* advises us to avoid bad company as a rotten apple rots the others if left among them. *The Complete Works of Geoffrey Chaucer: Notes to the Canterbury Tales* second edition, ed. Walter W. Skeat (Oxford: OUP, 1900), p.130.

[22] Pelling, 'The meaning of contagion', p.17, pp.20-1; Alison Bashford, *Purity and Pollution: Gender Embodiment and Victorian Medicine* (Basingstoke: Palgrave Macmillan, 1998), pp. xi-xii, p.2.

[23] Christopher Hamlin, *Public Health and Social Justice in the Age of Chadwick: Britain, 1800-1854* (Cambridge: CUP, 1998), p.22.

[24] Randall McGowen, 'The Well-Ordered Prison, England 1780-1865', in *The Oxford History of the Prison: The Practice of Punishment in Modern Society*, ed. Norval Morris & David. J. Rothman (Oxford: OUP), pp.79-80.

1775, resembled nothing so much as twentieth-century zoos, their whitewashed, well-scrubbed individual cells aimed equally at preventing communication between prisoners and the spread of 'gaol fever.'[25] Such establishments anticipated Pentonville 'model prison', which opened in North London in 1841, its individual cells each equipped with a flushing water closet. Writing seventy years later, Richard Quinton, a former convict prison MO, identified Pentonville as penal reform's watershed, after which 'improved sanitation' had become 'the real basis … of all progress in prison administration and treatment.'[26] Reflecting on the same period, Sir Edmund Du Cane was in 'no doubt that in attention to sanitary construction and management prisons were many years in advance of any other institutions.'[27] Penal architecture's sanitary and administrative functions were thus seen as indivisible: a 'properly constructed prison building', Quinton observed, was 'the first essential … for a proper classification of inmates, and for the maintenance of their health'.[28]

Howard's continuing influence not only ensured sanitation's ongoing centrality to prison reform, but that of the prison itself to explanations of crime that employed contagion metaphors. Writing in 1862, for instance, Henry Mayhew identified 'a criminal epidemic – a very plague, as it were, of profligacy – that diffuses itself among the people with as much fatality to society as even the putrid fever or the black vomit.' This he blamed upon the spread within prisons 'of that vicious infection which is found to accompany association of the morally disordered with the comparatively uncontaminated'.[29] According to such models, the prison functioned inadvertently as a 'school of crime', where prisoners acquired criminal skills and techniques from one another, formed confederacies, and together hatched criminal plots. To take just one example of this well-worn analogy, Sydney Smith, canon of St Paul's, writing in 1821 in the *Edinburgh Review*, described county prisons as 'large public schools … for the encouragement of profligacy and vice', wherein a novice criminal would be 'put to his studies under the most accomplished thieves and cut-throats the county can supply'.[30] In terms of the distinction made earlier between contamination by the prison of the world beyond its walls and prisoners' contamination of one another, 'school of crime'

[25] McConville, *Prison Administration,* pp.91-2. He quotes D.L. Howard, Howard's 1958 biographer, comparing his subject's 'ideal prison' to 'a modern zoo'.
[26] Quinton, *Crime and Criminals,* p.177.
[27] Edmund Du Cane, 'Experiments in Punishment, *The Nineteenth Century* 6:33 (1879), p.873.
[28] Quinton, *Crime and Criminals,* p.177.
[29] Henry Mayhew & John Binny, *The Criminal Prisons of London and Scenes of Prison Life* (London: Griffin, Bohn & Co., 1862), p.80.
[30] Quoted in Christopher Harding, Bill Hines, Richard Ireland & Philip Rawlings, *Imprisonment in England and Wales: A Concise History* (London: Croom Helm, 1985), p.136.

scenarios can be seen to have combined elements of both. Contamination, from this perspective, was a ghastly process occurring in two stages: the cross-pollination of criminality in the hothouse conditions of a prison, followed by its export to the outside world in evermore resilient strains. The prison was crime's incubator, and could thus be held primarily to blame for its persistence and proliferation.

Such apprehension of prisoners as a contaminating threat is evinced by penal practices developed in the first half of the nineteenth century. During this period, if not banished to distant Australian penal colonies, prisoners were increasingly likely to find themselves subject to either a strict rule of silence or complete segregation in an individual cell. Both regimes – understood by contemporaries as competing penal 'systems' – served the same end: to prevent communication, and thus contamination, among prisoners. The establishment in 1838 of Parkhurst prison on the Isle of Wight as a juvenile penitentiary can be understood in similar terms, representing as it did the first attempt by central government to segregate an entire section of the convict population identified as vulnerable to contamination.[31] It also served as the blueprint for Pentonville, although its child convicts were governed under the 'silent system', whereas Pentonville can be seen as representing the apogee of the 'separate system'.[32]

Chief among the advocates of the latter, and among its rival's greatest detractors, were the prison inspectors William Crawford and Whitworth Russell (appointed following the introduction of the post under the 1835 Prison Act[33]), evangelical Christians who saw prison's purpose as the reformation of the individual criminal.[34] With this in view, they warned that as a 'single irreclaimable convict is able to taint the whole confederacy', the result of even surreptitious communication could be 'extensively pernicious'.[35] By contrast, Crawford observed, '[i]n the silence of the cell contamination cannot be received or imparted'; to 'arrest the progress of corruptness', cellular separation was therefore necessary.[36] The 1835 House of Lords select committee that preceded Crawford and Russell's appointment had been the first to recommend the provision of individual cells in all

[31] Radzinowicz & Hood, *Penal Policy*, pp.149-55; McConville, *Prison Administration*, pp.204-5.
[32] Radzinowicz & Hood, *Penal Policy*, p.150; McConville, *Prison Administration*, f.n.137, pp.206-7; Ursula Henriques, 'The Rise and Decline of the Separate System of Prison Discipline', *Past and Present* 54:1 (1972), pp.76-8, pp.84-6.
[33] 5 & 6 Will. IV, c.38, s.7.
[34] Harding et al, *Imprisonment*, pp.145-9; McConville, *Prison Administration*, pp.172-3.
[35] *Third report of the inspectors appointed … to visit the different prisons of Great Britain*, PP 1837-38 [141] XXX, 1, p.11.
[36] Quoted in Forsythe, *Reform of Prisoners*, p.26.

English prisons; an 1850 select committee then restated its predecessor's view 'that entire separation … is absolutely necessary for preventing contamination, and for securing a proper system of prison discipline'.[37] Mandatory cellular accommodation would, however, await the 1865 Prison Act, which, to ensure that 'Criminal Prisoners … shall be prevented from holding any Communication with each other', prescribed their rigorous separation.[38] According to Quinton, this was the statute's 'first and most important principle'.[39]

Alongside growing adoption of cellular separation, the middle decades of the nineteenth century saw an increased recourse to imprisonment as a penal sanction, leading to a rise in both prison populations and the fear of contamination within them. This increase was due firstly to the gradual curtailment of capital punishment, which was repealed in 1808 for pickpockets and petty thieves, and then restricted between 1832 and 1841 to a mere handful of offences.[40] Meanwhile, an 1823 Act allowed judges to commute death sentences for offences other than those of treason or murder.[41] Between 1841 and 1861, the death penalty was then removed for forgery, arson, rape and burglary, and, finally, for both sodomy and attempted murder.[42] This liberalisation was, however, accompanied by another development: the cessation of transportation to New South Wales, which closed its doors to convicts in 1840 (reopening them again briefly between 1848 and 1850), and to Van Diemen's Land (Tasmania), which in 1853 followed suit.[43] Thus, by the middle of the nineteenth century, domestic imprisonment in various forms had emerged, somewhat by default, as the state's primary penal sanction. Peter Bartrip characterizes the domestic convict system that succeeded transportation as a 'classic case of the functional imperative – of reform through pressure of events rather than principle'.[44] While this is accurate, it is also true that the imperative of accommodating ever larger numbers of domestic prisoners in ever greater concentrations met with another: that of preventing contamination. For prison administrators, domestic imprisonment possessed its own dialectic: the larger the overall prison population, the greater the perceived danger of contamination within it; the greater the risk of

[37] Harding et al, *Imprisonment*, p.150; *Report from the Select Committee on Prison Discipline*, PP 1850 [632] XVII, 1, p. iv.
[38] 28 & 29 Vict., c.126, s.17.
[39] Quinton, *Crime and Criminals*, p.181.
[40] Leon Radzinowicz, *A History of English Criminal Law and its Administration from 1750: Volume 1: The Movement for Reform* (London: Stevens & Sons, 1948), pp.497-8; James Fitzjames Stephen, *A History of the Criminal Law in England, Vol.1* (London: Macmillan & Co., 1883), pp.474-5.
[41] 4 Geo. IV, c.48; Stephen, *Criminal Law*, p.472.
[42] Stephen, *Criminal Law*, p.475.
[43] Radzinowicz and Hood, *Penal Policy*, p.466.
[44] Bartrip, 'Public Opinion', p.153.

contamination, the more urgent the need for effective internal segregation. Hence the tension between these twin imperatives not only produced the Victorian prison's architectural form, but drove its rapid proliferation.

Coinciding with the end of transportation to the Australian colonies, the acknowledged failure of the radical experiment in reformatory imprisonment at Pentonville further exacerbated a crisis in convict disposal. The 'model prison' had promised to drastically reduce the convict population, but extravagant claims that the separate system would permanently cure inmates of their criminal tendencies ultimately proved hollow.[45] Additionally, in 1847, the damning report of a government inquiry into the use of prison hulks, by then mainly home to convicts too old, ill or infirm to travel to Australia, hastened their decline, fire destroying the last of the ships in 1857.[46] Hulks survived, however, at the Bermuda convict station (established in 1824) until its closure in 1862, and a hulk designated as a prison hospital was moored at the Gibraltar convict station, which, having opened in 1842, remained in use until 1875.[47] In the meantime, transportation to a new penal settlement at Fremantle, in suitably far-flung Western Australia, which began in 1850 and would continue until 1867, promised at first to alleviate the disposal crisis. But, in the event, the fledgling colony could accommodate only a fraction of the convict numbers once received by its neighbours.[48]

It was in this context that a domestic 'public works' convict prison opened at Portland in 1848, followed by others at Dartmoor in 1850, Portsmouth in 1852 and Chatham in 1856. Penal servitude itself was introduced in 1853, but, as Seán McConville observes, its essential elements – labour on domestic public-works projects and release on home soil - were by then already in place.[49] This should not, however, detract from the essential novelty of the public-works convict prison. While a precedent for the new establishments existed in the central government penitentiaries at Millbank and Pentonville, these did not normally accommodate prisoners beyond the first two years of their sentence. Prisoners transported to Australia, on the other hand, were administered by a colonial authority, and those in hulks (until 1847) by a

[45] McConville, *Prison Administration*, pp.208-9; Ignatieff, *A Just Measure*, pp.196-9; M. Heather Tomlinson, '"Prison Palaces": A Reappraisal of Early Victorian Prisons, 1835-77', *Bulletin of the Institute of Historical Research* 51:123 (1978), p.61.
[46] McConville, *Prison Administration*, p.200, p.393; W. Branch Johnson, *The English Prison Hulks* (Chichester: Phillimore, 1970), p.174, pp.198-9.
[47] McConville, *Prison Administration*, p.202.
[48] Ibid., pp.381-2; A.G.L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London: Faber & Faber, 1966), pp.353-8.
[49] McConville, *Prison Administration*, pp.385-6.

superintendent subcontracted by the Home Office, who ran them in the manner of an eighteenth-century private gaoler.[50] Thus, the new convict establishments were the very first prisons run directly by central government to hold prisoners for lengthy periods, on English soil and in large concentrations. That they should become the object of public scrutiny is therefore unsurprising, as is the public fear and hostility their populations aroused.[51] Looking back twenty years later, former Home Secretary Henry Bruce recalled 'more than alarm - the terror felt in this country at the prospect of our old system of transporting convicts being abandoned, and penal servitude being substituted in its stead.'[52]

After 1857, when the new sentence replaced that of transportation altogether (while still allowing removal overseas) and domestic convicts were permitted early release on licence,[53] anxiety surrounding penal servitude and convict prisons - culminating, as noted earlier, in 1862's 'garrotting scare' - found its primary focus in arrangements for the supervision of 'ticket-of-leave men'. The circumstances under which convicts laboured on the public works, however, were also cause for concern. Prison administrators and officials saw work in association as penal servitude's necessary evil, the separate system's zealots notwithstanding.[54] On the one hand, since well-publicized incidents of insanity at Pentonville, lengthy periods of complete separation were no longer considered safe for prisoners; on the other, partly as a legacy of transportation, hard productive labour – as opposed to the merely punitive hand-crank and treadmill – was seen as intrinsic to the new sentence.[55] Accordingly, convicts at Portland were set to work building the island's colossal breakwater and their counterparts at Portsmouth and Chatham extensive naval dockyards. Any unfit for such exertions (or savvy enough to avoid them) went to Dartmoor, where they worked reclaiming land or in the prison's large indoor workshops. Under such conditions - convicts labouring side-by-side, often in large gangs, with at times only minimal supervision – contamination was believed all but inevitable.

## Insubordination, disorder, and 'unnatural crime'

By the 1860s, the use of quasi-medical conceptual language in social contexts had grown increasingly common, while in the field of crime, specifically, contagion metaphors were

[50] McConville, *Prison Administration*, pp.197-8; Branch Johnson, *Prison Hulks*, p.92, p.95.
[51] Bartrip, 'Public Opinion', pp.156-8.
[52] HL Deb 19 February 1875 vol. 222 c.540.
[53] McConville, *Prison Administration*, pp.385-7, p.439.
[54] E.g. *RDCP*, PP 1880 [C.2694] XXXVI, 1 (hereinafter *RDCP 1879-80*), p.408.
[55] Ignatieff, *A Just Measure*, pp.199-200; *Grey*, qq. 254-6, p.15, qq. 4209-12, p.351.

giving way to notions of crime as a disease *literally* bred by and contracted within the insanitary urban slum.[56] Even against this backdrop, however, the employment of 'contamination' by prison administrators and officials was particularly complex and layered, the application to criminal populations of a concept central to sanitary reform, whose own moral character penal reform had itself anticipated, providing it a peculiar force. Despite its claim to scientific rationality, it was a slippery term. It could be used in relation to disparate disciplinary issues, with the implication that these were somehow all connected, or simply to conjure a sense of vague unwholesome danger – one might say a miasma - clinging permanently to convict prisons and their populations. We should, therefore, before turning to measures taken to prevent contamination in convict prisons during the 1860s and 1870s, explore the term's meaning and resonance a little further. Beyond criminal pedagogy, what were its other ingredients?

We should note first that actual 'gaol fever' (as opposed to its metaphorical varieties) was by now a thing of the past. As Du Cane observed with satisfaction in 1872, following outbreaks of smallpox in 'certain crowded and unhealthy localities' not far from both Millbank and Pentonville, 'the general conditions of health are so well attended to in the Government Prisons that they are unfavourable to the propagation of disease.'[57] Indeed, in *Hygiea, a City of Health* (1876), a utopian blueprint for a spotless, disease-free metropolis, the pioneering public health physician Benjamin Ward Richardson, a friend of Chadwick's and a leading light of the sanitary reform movement, declared that 'nothing in the sanitary history of this country is so astonishing as the history of the gaols within 100 years.' English prisons, according to Richardson, 'contain[ed] the purest air, the most equable temperature, the driest and cleanest walls, the cleanest floors and kitchens'; within such environments, disease could be brought 'under instant control.'[58] Georgian squalor did not, however, disappear overnight. Chris Otter writes that the urban fabric of late-Victorian London would have been characterized by 'the jumble of old and new, and the juxtaposition of dirty and clean';[59] a similar observation could well be made of the English penal system three decades earlier. Not least, prison hulks remained in operation until the mid-1850s, hideously

[56] Peckham, 'Pathological Properties', pp. 61-2; Radzinowicz & Hood, *Penal Policy*, p.7.
[57] *RDCP*, PP 1872 [C.649] XXXI, 385 (hereinafter *RDCP 1871)*, p. xiii.
[58] Quoted in *RDCP*, PP 1877 [C.1845] XLV, 1 (hereinafter *RDCP 1876*), p. x; Patrick Wallis, 'Richardson, Sir Benjamin Ward (1828–1896)', in *Oxford Dictionary of National Biography* (Oxford: OUP, 2004), http://www.oxforddnb.com/view/article/23544 (accessed: 20 May 2019).
[59] Christopher Otter, 'Cleansing and Clarifying: Technology and Perception in Nineteenth-Century London', *The Journal of British Studies* 43:1 (2004), p.62.

overcrowded and as notorious for brutality and disorder as they were for vermin and disease.[60] Such conditions, however, appear almost benign when set against those found aboard hulks at Bermuda, where yellow fever raged in 1853 and again in 1856.[61] Their chaplain, in a report made three years later, followed Howard in treating his charges' moral state as indivisible from their environment: the hulks, he observed, were not only 'unfit for a *tropical* climate' in that 'the heat between the decks is so oppressive as to make the stench intolerable', but were 'productive of sins of such foul impurity and unnatural crime that one even shudders to mention them.'[62]

If and when eventually transferred to a public-works prison, convicts who had spent time aboard hulks, either at home or overseas, were viewed by prison officials as irredeemably contaminated. In 1861, for example, five years after the prison opened, Chatham's governor, Captain Thomas Folliott Powell, complained that some 200 prisoners returned to him from Bermuda in advance of the closure of its convict station had exerted a 'very injurious effect upon the general discipline of the establishment'. For this reason, he added, 'every care is taken to keep these prisoners as much apart as possible from the others'.[63] Such precautions, as we shall see, served not only – or even principally - to shield novices from criminal pedagogy: a year earlier, Bermuda's chaplain had written of 'the horrible nature of the associations' to which its prisoners were subjected, at the core of which, his report suggested, lay an unholy union of violent disorder and 'unnatural crime'. Before turning to the latter - whose perpetrators, it will be recalled, the Kimberley Commission wished to bar from the new division it proposed - we should first consider the former. Were convicts believed to infect one another, not only with criminal knowledge and practices, but with modes of insubordinate and/or violent conduct?

For prison chaplains such as Portland's Arthur Hill, this was self-evident. In 1877, quoting Ecclesiastes 9:18 ('one sinner destroyeth much good'), Hill complained that the 'shouts and derisive laughter, and songs' of men held in the prison's punishment cells 'have frequently been sufficient to excite other prisoners to acts of insubordination, such as under other circumstances they would never have dreamt of.'[64] At its most serious, such defiance

[60] McConville, *Prison Administration*, p.200; Branch Johnson, *Prison Hulks*, pp.119-21, p.139.
[61] Branch Johnson, *Prison Hulks*, p.166.
[62] *Annual reports and despatches on the convict establishments at Bermuda and Gibraltar*, PP 1860 [2662] XLV, 279, p.15.
[63] *RDCP*, PP 1861 [2879] XXX, 237 (hereinafter *RDCP 1860*), p.261.
[64] *RDCP 1876*, p.431.

took the form of the strikes and riots that rocked the convict system during the 1850s and 1860s. Some of these incidents involved hundreds of convicts, whose principal grievance was the ineligibility for early release on licence of men sentenced to penal servitude before 1857.[65] In 1855, sixty-four of Portland's younger prisoners 'combined to strike work', a course of action to which Hill's predecessor believed they had been 'secretly persuaded by their ill-disposed seniors'.[66] Three years later, over 300 convicts joined a second strike at the prison,[67] and in 1860, at the Gibraltar convict station, 197 convicts refused work for four consecutive days, the issue of release on licence in this instance compounded by a reduction in bread rations.[68]

While these incidents were largely free of violence, the same could not be said for the 'mutiny' at Chatham a year later, in which over 800 prisoners participated, running amok for three hours and destroying 'nearly everything they could possibly destroy … the stoves, the clocks, and every pane of glass … the chief warder's office, and every record in it'.[69] In their subsequent evidence to the Grey Commission in 1863, Powell and his former deputy, Charles Measor, blamed the concentration of convicts in large numbers at Chatham not only for the scale of damage and disorder during the riot, but for creating its potential in the first place. As Measor explained, 'after you get beyond a certain number of prisoners, the force of individual evil is exercised over a greater number of men, and becomes very much greater'.[70] Whereas Portland, since opening in 1848, had received only prisoners sent directly from Millbank or Pentonville upon completion of penal servitude's first stage, Chatham had been built to accommodate men formerly held in the last of the domestic prison hulks.[71] Described by Powell as 'a very bad class' and by Sir Joshua Jebb, the Convict Directors' first chairman, as 'the dregs', most of these prisoners had been at the end of their sentence when they arrived at Chatham, and very few were still there by the time riot broke out.[72] Powell, nevertheless, pointed to their residual influence: new arrivals, he believed, had 'take[n] their cue from those who are before them, and the evil kept descending and descending.'[73] Captain James

[65] Brown, *English Society*, pp.47-8; *Grey*, qq. 93-101, pp.5-6.
[66] *RDCP*, PP 1856 [2126] XXV, 1, p.115, pp.131-2; Radzinowicz & Hood, *Penal Policy*, p.522.
[67] *RDCP*, PP 1859 Session 2 [2556] XIII Pt. I, 191 (hereinafter *RDCP 1858*), p.148, p.175; *The Times*, 23 September 1858, p.8, p.11; Radzinowicz & Hood, *Penal Policy*, p.522.
[68] *Annual reports on the convict establishments at Bermuda and Gibraltar*, PP 1862 [2954] XXXVI, 421, p.31.
[69] *Grey*, qq.5527-31, pp.447-8.
[70] Ibid., q.5531, p.448.
[71] Ibid., q.573, p.50; McConville *Prison Administration*, p.393.
[72] *Grey*, q.1205, p.101, q.573, p.50.
[73] Ibid., q.1213, p.103. Gibraltar's convict comptroller rejected as 'absurd' the notion that a handful of its former prisoners held briefly at Chatham in 1859 pending release were to blame for the riot that occurred there

Gambier, the Director responsible for the prison, agreed: the 'hulk men', he told the Commission, 'had left their seed of mischief behind them, which of all things is the most difficult to eradicate in a prison'.[74]

Thus, prison officials, aside from straightforward criminal pedagogy, believed a spirit of mutiny to have entered Chatham from contaminated sources, gathering in ferocity as it then circulated via channels of bad influence. Into these had flowed yet more of the convict system's unwanted effluence: a year before the riot, as we have seen, Powell noted the arrival from Bermuda of 200 men, whom he described to the Commission as 'a very bad class'; preceding them had been 'a large number' of 'restless and discontented' convicts, sent via Millbank from Portland, following the strike there two years earlier.[75] Eventually, the gradual discharge of convicts sentenced before 1857, accompanied by the introduction of means for their effective release on licence, brought to an end this cycle of convict-prison strikes and riots.[76] In 1864, however, reduced prison diets sparked a major incident at Portland, and there were further disturbances there and at Chatham and Dartmoor in 1874.[77] Meanwhile, assaults on prison officials and warders remained common throughout the 1860s and '70s, an assistant warder reporting as late as 1882 that attacks upon staff at Chatham 'with the fist, stones, bricks, &c. are of almost daily occurrence.'[78] Following the killing of a warder at Portland in 1870, Hill reflected that this was the third such crime to have occurred during the twelve years of his ministry. Tried for murder at Dorchester Assizes and hanged, the assailant claimed he had 'been prompted by three of his companions in the same [work] party to make the assault.'[79]

To return again to the distinction made earlier between internal and external contamination, violent and insubordinate conduct among prisoners, leading potentially to strikes and riots, clearly belonged under the former heading. Notwithstanding the sobering prospect of prisons exporting to the outside world not only lumpen criminality but violent

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two years later, pointing the finger instead at men transferred from Bermuda. *Annual report on the convict establishment at Gibraltar*, PP 1864 [3305] XL, 475, pp.6-7.

[74] *Grey*, q.4394, p.643; see also Brown, 'Challenging Discipline', pp.203-4.

[75] *RDCP 1860*, p.241; *Grey*, q.1213, p.103; *RDCP*, PP 1860 [2713] XXXV, 429 (hereinafter *RDCP 1859*), p.230. Powell added that the latter had since 'settled down', and now 'conducted themselves in a very orderly and becoming manner.'

[76] Brown, *English Society*, p.48.

[77] *RDCP*, PP 1865 [3573] XXV, 1 (hereinafter *RDCP 1864*), p.88; Radzinowicz & Hood, *Penal Policy*, pp.563-4.

[78] HC Deb 15 June 1882 vol. 270 cc.1262-3.

[79] *RDCP*, PP 1871 [C.449] XXXI, 1 (hereinafter *RDCP 1870*), pp.117-8, p.179.

insurrection, there was never any real danger of disturbances in convict prisons escalating into wider social conflict, circled as they were by civil guards, backed up by local garrisons and Royal Navy gunboats off-shore. The vexed issue of 'unnatural crime' among convicts was, by contrast, closer to the notion of a 'school of crime' in that a potential threat to the world beyond the prison was seen as arising from pedagogy within it. Indeed, in his evidence to the Grey Commission, Measor denounced sailing ships chartered to carry convicts to Western Australia as 'nothing but schools of unnatural crime', convicts having told him that 'with regard to the unnatural offences which occur in a colony they have been schooled in them in the convict ships.'[80]

'Unnatural crime' (or 'crimes') was an umbrella term that covered sodomy and bestiality, both prosecuted under the 1533 Buggery Act,[81] as well as attempted sodomy, which could in practice include any sexual act between men, and the lesser (essentially synonymous) offences of indecent assault and assault with intent to commit sodomy.[82] Hitherto a capital offence, sodomy carried a maximum sentence of penal servitude for life and a ten-year minimum sentence under the 1861 Offences Against the Person Act (which re-enacted the Tudor statute), and attempted sodomy, indecent assault, and assault with intent a ten-year maximum sentence.[83] While their detection and prosecution was far from systematic, punishment of these offences could be severe, with maximum terms not uncommon as late as the 1890s.[84] Thus, when it came to 'unnatural crime' in convict prisons, officials faced a two-fold issue: on one hand, the commission by prisoners of sexual acts prohibited under the sodomy laws; on the other, the management of prisoners convicted under the same.

The latter, like men sentenced for violent property crime, were thought to be among the 'worst' criminals, and hence doubly noxious; a polluting threat within a contaminated population.[85] Nowhere was this made more evident than in the controversy surrounding the transportation of men sentenced under the sodomy laws to the penal colony at Fremantle. Giving evidence to an 1856 select committee on transportation, Western Australia's convict

[80] *Grey*, q.5553, p.449, q.5848, p.470.
[81] 25 Hen. VIII, c.6.
[82] H.G. Cocks, *Nameless Offences: Homosexual Desire in the Nineteenth Century* (London: I.B. Tauris, 2003), pp.17-8; p.25; p.32.
[83] 24 & 25 Vict., c.100, ss.62-3.
[84] Sean Brady, *Masculinity and Male Homosexuality in Britain, 1861-1913* (Basingstoke: Palgrave Macmillan, 2005), p.212, pp.109-10.
[85] *Report from the Select Committee of the House of Lords, appointed to inquire into the provisions and operation of the … act to substitute, in certain cases, other punishment in lieu of transportation*, PP 1856 [404] XVII, 561, qq.871-2, p.83.

comptroller-general Captain Edmund Henderson (later Chairman of the Convict Directors, then Chief Commissioner of the Metropolitan Police), singled out two prisoners sentenced for robbery with violence, one for "Rape upon his own daughter" and another for "unnatural crime" as examples of 'the worst classes of criminals' received at Fremantle the previous year; 'the rule', he observed drily, was 'merely to send out those men that they do not hang.'[86] Similarly, in his evidence to the Grey Commission, Western Australia's governor, Sir Arthur Kennedy, cited a return made in 1858 that listed, among Fremantle's convict population of just over 1,100, twenty-two men convicted of 'unnatural crimes'. Asked by Grey whether he thought it 'particularly objectionable to send out men who have been convicted of such offences', Kennedy replied that he thought it 'objectionable to send them anywhere amongst Christian people'.[87] The Commission agreed, condemning in its report the selection for transportation of 'convicts least fit to be discharged at home' as 'entirely wrong', while affirming that those sentenced for 'unnatural crimes' were 'manifestly unfit to be sent to a colony'.[88] In August 1863, within weeks of the report's publication, the Home Office issued a standing order explicitly prohibiting the transportation to Western Australia of prisoners convicted of 'unnatural crimes'.[89]

Men convicted under the sodomy laws, we should note, were not necessarily those who engaged in sexual activity with other convicts. But it is perhaps understandable that the 'objectionable' presence of the former should have stood proxy for deeper anxiety regarding the latter, which was more difficult to acknowledge and articulate. If convicts were believed to teach one another sexual practices, then men imprisoned for those same practices might be expected to act as tutors. Moreover, as it was understood that sex was likely to occur among *any* group of men separated from women, their presence all but guaranteed that it would. The 'sin in question', a former convict ship surgeon consulted by the Home Office explained, was 'known to be inseparable from similar bodies of men, deprived by the forces of circumstances to any length of time of their natural communion with the opposite sex'. Aboard a convict ship, 'total exemption of depravity in its worst form [was] absolutely

[86] Ibid., qq.872-3.
[87] *Grey*, qq.2382-6, pp.190-1.
[88] Ibid., par.66, p.52.
[89] McConville, *Penal Administration*, f.n.13, p.384.

impossible and hopeless'; indeed, it was 'not of infrequent occurrence during a long voyage even in Her Majesty's Navy.'[90]

Once transportation to Western Australia had ended, Du Cane echoed these remarks in a private memorandum, describing as 'obvious' the 'evils that are likely to arise in a community where the male sex are very largely in excess of the female, especially among men who have not been accustomed to put any restraint on their animal passions'. Aboard convict ships, especially, the 'evils and immoralities which spring from holding together numbers of men of low and vicious habits' had enjoyed 'full opportunities of development', in spite of 'all the care and supervision devoted to efforts to put an end to these practices'.[91] Henderson had at the time advocated subdividing the decks to which prisoners were confined during the passage to Western Australia, as had Kennedy, who thought it 'cruel to associate an educated forger (who may be otherwise a moral man), even to sleeping with a brutalized being convicted of unnatural crime or bestiality.'[92] Measor went a step further, calling for convicts' transportation in 'perfectly separate cells' aboard purposefully fitted vessels. Chartered convict ships, he declared, were 'a source of pollution to convicts in every possible way, and of the most horrible description'.[93] Henderson, similarly, observed that arrangements aboard the ships provided convicts 'every opportunity of concocting and executing all manner of evil.'[94]

As such remarks suggest, contamination was seen as polymorphous. Beyond 'unnatural crime', according to Thomas Dixon, Fremantle's convict superintendent, its ingredients included not only 'the compulsory association of those comparatively unacquainted with crime with those inured to it since childhood', but 'the unchecked use of blasphemous oaths and imprecations sufficient of themselves to draw down divine vengeance.' 'No school for villainy', he concluded, could 'be imagined more complete' than convict ships.[95] Though there were others, Jebb not least among them, who believed such 'horrors' exaggerated, the extent to which 'schools of crime' were understood to teach more than mere thievery should

[90] *Further correspondence on the subject of convict discipline and transportation*, PP 1859 Session 2 [2568] XXII, 1 (hereinafter *Further correspondence*), p.171. His colleagues, the future memoirist John Campbell among them, denied anything of the kind ever taking place on their own watches.
[91] 'Memorandum on the Subject of Transportation' (n.d.), Du Cane Papers, MS. Eng. hist. c. 650, ff. 157-8.
[92] *Further correspondence*, p.71; see Radzinowicz & Hood, *Penal Policy*, p.478 for similar observations made in the 1830s.
[93] *Grey*, qq.5553-4, p.449, q.5677, p.459.
[94] *Further correspondence*, p.71.
[95] Ibid., p.72.

by now be apparent.[96] In addition to the initiation of novice criminals, 'contamination' encompassed a 'spirit of insubordination' noted by Dixon, on the one hand, upon which was borne the seeds of 'mutiny', and, on the other, the exposure of prisoners to obscene and blasphemous language (to which this chapter will return). Nothing, however, provided the term its potency so much as the implication it carried of 'unnatural crime', under which head notions of moral and physical pollution merged seamlessly.

## Responses to contamination, 1863-1878

The years following the Grey Commission saw a drive towards internal segregation in public-works convict prisons. This grew all the more urgent after 1867, when the end of transportation to Western Australia led to a renewed crisis of convict disposal.[97] To avoid repetition of events at Chatham two years earlier, Grey had recommended the division of convicts into 'bodies, not exceeding from two or three hundred each, [which] should be prevented from having any communication with each other.' It was suggested that some of these 'classes … might be more penal than others', and that one 'should consist of all violent and dangerous convicts, who ought to be subjected to severe coercion.'[98] Henderson, freshly appointed as Chairman of the Convict Directors, duly reported that refurbishments required for 'subdividing [convicts] so as to effect complete separation' had been promptly undertaken at Chatham and Portland (though they were delayed at Portsmouth while extra land was acquired).[99] A year later, he reported that 'subdivision' had been carried out at Chatham, Portland, Portsmouth and Dartmoor, describing Grey's recommended system of classification as a 'marked success': convicts were now 'much more amenable to discipline, and less liable to contaminate each other.'[100] According to Portland's governor, William Morrish, the prison's halls and parade grounds, as well as its chapel, had been 'divided into small compartments, so that no more than about 250 or 300 prisoners can mix together, at one time … thus lessening the chances of insubordination.'[101]

In the light of subsequent reports, however, Henderson's claim that convicts were now 'rigidly separated one from the other in the halls, in school, in chapel, and as far as possible

[96] *Report from the Select Committee on Transportation*, PP 1861 [286] XIII, 505 (hereinafter *Childers*), q.331, p.13. Jebb nevertheless acknowledged the 'vast evils of unrestricted association'.
[97] *RDCP 1870*, p. vii.
[98] *Grey*, par.51, pp.42-3.
[99] *RDCP*, PP 1864 [3388] XXVI, 209, p.9.
[100] *RDCP 1864*, p.6.
[101] Ibid., p.88.

on the works', making communication between them 'scarcely practicable', can be regarded as somewhat fanciful; indeed, Radzinowicz and Hood dismiss it as 'sheer wishful thinking'.[102] Moreover, far from being rigid, the classes into which convicts were now divided were, if anything, fluid. Under the so-called 'marks' system, a revised version of which came into effect in 1864, convicts earned marks for conduct and industry which allowed them to graduate from a 'probationary class' to a third, a second and, finally, a first 'class', spending at least a year in each (though as nine months would have already been served in separate confinement, the minimum spent in the probationary class was effectively three months).[103] Though demotion for misconduct was also possible, the acquisition of marks - by which convicts earned not only the minor privileges attached to each class but, far more importantly, remission on their sentences - did little to indicate genuine reform. It was in convicts' interests to toe the line, and seasoned convicts were adept at playing the system. As most men serving terms of over five years passed the bulk of their sentence as first-class prisoners, the separation of this class from others was therefore of negligible consequence.

If the subdivision of halls, yards and chapels was little more than a sop to the Grey Commission, convict administrators and officials took more seriously the provision of separate cells. Writing in 1861, Dartmoor's chaplain had identified the prison's remaining dormitories as a nexus of contamination: it was here 'that combinations are formed, savage assaults made upon prisoners and officers, time frittered away in gossip that should be spent in study [and] noxious friendships formed'.[104] By 1876, Du Cane (who had by this time succeeded Henderson as the Convict Directors' chairman) was able to report that associated dormitories still extant at Portland and Millbank in 1863 had now been replaced by separate cells. He boasted, moreover, of the provision of a separate cell for *every* English convict, despite the end of transportation in 1867, to which he attributed a rise in the convict population of almost a quarter to just under 10,000 a decade later.[105] In 1868, the increase in convict numbers had forced the temporary conversion of workshops at Dartmoor into dormitories - a step described by its chaplain as 'a re-introduction of the old and condemned system of "the hulks"' - followed by the construction a year later of an additional dormitory, but these too had now been replaced by separate cells.[106]

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[102] *RDCP*, PP 1866 [3732] XXXVIII, 1, p.8; Radzinowicz & Hood, *Penal Policy*, p.546.
[103] *RDCP 1864*, pp.19-21.
[104] *RDCP*, PP 1862 [3011] XXV, 331 (hereinafter *RDCP 1861*), p.224.
[105] *RDCP 1876*, p. vi.
[106] *RDCP*, PP 1868-69 [4129] XXX, 465 (hereinafter *RDCP 1868*), pp. vii-viii; *RDCP 1870*, pp.323-4.

Moreover, convict prison hospitals, whose patients had hitherto languished in associated wards, had also been refurbished, with separate infirmary cells built at Parkhurst and Chatham, along with entirely new hospitals at Portsmouth, Portland and Pentonville.[107] Writing in 1867, Portsmouth's MO had lamented the 'demoralization' and 'various irregularities' to which associated hospital wards gave rise.[108] A year later, his opposite number at Portland complained of 'scheming, malingering, and trafficking', observing that '[u]nder the present arrangement of wards it is impossible to put a stop to nefarious proceedings'.[109] Reporting the progress of hospital construction in 1872, Du Cane effortlessly conflated the demands of disease management with those of penal administration. The new hospitals were

> constructed mainly on the principle of isolating the prisoners confined in them, and the greatest attention has been paid to sanitary requirements. The system of association, which has hitherto characterized our prison hospitals, has been found to have many evils; one inevitable result was the corruption of the inmates … In the new hospitals these evils are removed, and at the same time the sanitary condition of the hospitals has been much improved.[110]

Four years later, Du Cane could report that the refurbishment of Dartmoor's hospital was now underway, along with an infirmary designed for separate confinement at the new convict prison at Wormwood Scrubs and a new hospital wing at Parkhurst (recently designated an 'invalid' convict prison), the latter providing accommodation for over 200 patients in separate cells.[111]

The anxiety that surrounded associated hospital and infirmary wards was no doubt due in part to the perceived character of the convict 'invalid class', described by the MO at Woking invalid prison as 'the dregs of the … convict prisons, with constitutions impaired by a long course of profligacy and vice.'[112] Among the convict system's several ironies, as discussed in Chapter 3, was the severity of labour regimes at Chatham and Portland leading, almost from the outset, to a proliferation of subsidiary 'invalid' and 'light labour' institutions, housing an ever-increasing number of prisoners found unfit for such work as dockyard

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[107] *RDCP 1876*, p. vii.
[108] *RDCP*, PP 1867-68 [4083] XXXIV, 519 (hereinafter *RDCP 1867*), p.181.
[109] *RDCP 1868*, p.129.
[110] *RDCP*, PP 1873 [C.850] XXXIV, 1 (hereinafter *RDCP 1872*), p. xi.
[111] *RDCP 1876*, p. vii.
[112] *RDCP*, PP 1876 [C.1596] XXXVII, 1 (hereinafter *RDCP 1875*), p. xi.

construction, brickmaking and quarrying. In his evidence to the Grey Commission, Gambier had estimated the 'invalid class' to consist of around 1,300 convicts in all. Overlapping with this was an 'incorrigible class' containing roughly 400 men (or around 5 per cent of the total convict population), of whom 'a very great number' would be found among the invalids.[113] Often reconvicted upon release, they were 'the most troublesome men of all the troublesome men to manage'.[114] It is, moreover, possible that, as well as regular forms of misconduct, prison officials also feared that prison hospital wards provided convicts sexual opportunity. No mention is made by medical officers of 'unnatural crimes' in English prison hospitals, but 'E.F.', released due to ill health from Dublin's Mountjoy convict prison in 1879, only months before giving evidence to the Kimberley Commission, recalled that it 'was no uncommon thing in hospital to see the convict of 20 years' standing give his ale and chop to a youth in whom he felt interested with a view to prostituting him.' He had, he claimed, 'seen dozens of cases of it', but stressed that it was 'only in hospital [that] such enormities can be attempted.'[115]

Thus, a similar constellation of anxieties can be seen to have attended prison hospitals as they had convict transport ships. Aboard the latter, although minor improvements to conditions followed the Grey Commission's report, the subdivision advocated by Henderson and others had been deemed both unsafe and insanitary, leading Measor to complain that a few extra inches of sleeping space did nothing to remove 'the temptation to commit horrible offences.'[116] Until transportation there ended in 1867, convicts continued to travel in association to Western Australia aboard large chartered vessels. Two years later, Gibraltar's acting convict comptroller, Arthur Griffiths, later deputy governor of Millbank, Du Cane's trusted subordinate and a prolific memoirist, noted that discipline there had worsened following the arrival of the convict ship *Warwick*. Misconduct aboard the ship, including four reported incidents of 'unnatural crime', had already prompted Griffiths' predecessor to forward a special report to the Home Secretary. Since then, a gang of long-sentenced 'desperate characters' included in its cargo had failed in a 'daring conspiracy' to seize two Admiralty boats and sail for Spain. Griffiths suggested that 'the character of the "Warwick" prisoners may have deteriorated on board ship, from the indiscriminate association of the wholly bad and those not altogether abandoned.' To prevent 'contaminations' (plural) aboard

[113] *Grey*, qq.4385-6, p.365.
[114] Ibid., q.3953, p.330.
[115] *Kimberley*, q.10437, p.832.
[116] *Further correspondence*, pp.168-71; *Grey*, q.5609, p.453.

convict ships, he recommended the transport of convicts to Gibraltar in small parties.[117] Du Cane followed this advice: until Gibraltar's closure in 1875, the few remaining prisoners sent there would travel 'in small batches by the ordinary lines of steam ships', thereby 'diminishing almost to nothing, the great evils' of the convict voyage.[118]

Situated within the colony's naval dockyard, and recalled (much later) by Griffiths as 'a long, low two-storied wooden shed of fragile, flimsy appearance', the Gibraltar convict prison, like the Bermuda hulks, was a destination for 'the very worst convicts', 'dangerous' men serving long sentences for the most serious offences, among them the 'ringleaders' of the Chatham mutiny.[119] At full capacity of up to 800 men, its associated dormitories would have been grossly overcrowded. But from the late 1860s, its population dwindled as the number of new arrivals fell in proportion to those released upon completion of a sentence. Remaining were those convicts serving the longest sentences, along with others who had lost remission through persistent misconduct, and still others unfit for work and thus unable to earn their full remission; 'a residue', as described by the prison's MO in 1868, 'out of which all the better and stronger [men] have been weeded.'[120] Of the 268 convicts left in the prison by 1874, a hundred had been sentenced to between 14 years and life, eight times the proportion serving similar sentences in domestic convict prisons.[121] Misconduct and insubordination were rife and blamed largely on the 'evils of association', which, according to an 1870 superintendent's report, prevented 'any advice or warning from having more than a momentary effect.' Indeed, there could be 'little doubt that some leave a prison of this class worse in every respect than when they entered it.'[122]

Meanwhile allegations of 'unnatural crimes and acts of indecency', though difficult to prove, were frequent and believed credible by prison authorities.[123] They were, a recently appointed superintendent observed in 1875, 'made in the manner of throwing it in my teeth, that I take no notice of such crimes while punishing the speaker for a comparatively trivial

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[117] *RDCP*, PP 1870 [C.204] XXXVIII, 1 (hereinafter *RDCP 1869*), pp.425-6; Bill Forsythe, 'Griffiths, Arthur George Frederick (1838–1908)', in *Oxford Dictionary of National Biography* (Oxford: OUP, 2004), http://www.oxforddnb.com/view/article/33581 (accessed: 20 May 2019).
[118] *RDCP 1870*, pp. xii-xviii.
[119] Arthur Griffiths, *Fifty Years of Public Service* (London: Cassell & Co., 1904), pp.143-4; *Childers*, q.2886, p.113, q.2994, p.118; *Annual reports on the convict establishments at Bermuda and Gibraltar for 1861*, PP 1862 [2954] XXXVI, 421, p.28.
[120] *Annual report on the convict establishment at Gibraltar*, PP 1867-68 [4015] XXXIV, 871, p.27.
[121] *RDCP*, PP 1875 [C.1346] XXXIX, 1 (hereinafter *RDCP 1874*), p.547.
[122] HL Deb 19 February 1875 vol. 222 c.541.
[123] *RDCP 1871*, p.502; *RDCP 1872*, p.526; *RDCP*, PP 1874 [C.1089] XXX, 55 (hereinafter *RDCP 1873*), p.498; *RDCP 1874*, pp.528-9.

one.' Many prisoners, he added, 'actually believe that crimes of this nature are hushed up by the authorities, and I cannot say that they have never had grounds for such a belief.'[124] This official claimed that the prison contained '[m]any convicts' sent there 'for the commission of this actual offence while freemen', a somewhat puzzling assertion in that hardly any men convicted under the sodomy laws were shipped to Gibraltar in the decades leading to its closure.[125] In 1875, it held only a handful of such prisoners, all of whom had been sentenced not in England but Gibraltar itself (the establishment also serving as the colony's local civilian prison).[126] It seems, therefore, that the assumption was based upon the prevalence of sex among convicts (regardless, that is, of the offence for which they had originally been convicted), which appears to have been fairly widespread. In 1872, two separate informants, both thought reliable, estimated that between 50 and 60 prisoners (among just over 500 at the time) participated in what the prison's chaplain termed 'practices of an abominable character'.[127] Du Cane, who in 1870 had visited the prison himself, acknowledged as much once it closed: it had, he wrote, been 'constructed after the model of a hulk prison', and aboard the latter, '[e]very evil that … arise[s] from the unchecked association of men of foul lives and unrestrained passions' could be found. At Gibraltar, he observed, 'many of the greatest evils of the hulks remained in full activity … until the last'.[128]

In his final report, Gibraltar's superintendent recorded that upon 'receiving … authority to remove to England all prisoners suspected of unnatural crimes or indecent acts, I carefully went over all records, and found no less than 25, or 10 per cent., against whom strong suspicions were entertained.'[129] A year earlier, work had been completed on new separate cells, built specifically to accommodate 'prisoners suspected of unnatural crimes'.[130] Now these men would instead be returned to domestic convict prisons. According to Gibraltar's chaplain, few among its convicts 'were not greatly chagrined at being sent home', their exile notwithstanding, and with it an absence of visits from family and friends. For them, he observed with satisfaction, 'the relaxations of … an agreeable intercourse, were coming to an end; no more hidden treasures, no more stolen sweets, would be theirs.'[131] The return of

[124] *RDCP 1874*, p.528.
[125] Ibid., p.529.
[126] TNA PCOM 2/13.
[127] *RDCP 1872*, p.594.
[128] Du Cane, 'Experiments', pp.872-3; HL Deb 19 February 1875 vol. 222 c.541.
[129] *RDCP 1875*, p.586.
[130] *RDCP 1874*, p.530.
[131] *RDCP 1875*, p.589.

these men to England exacerbated fears of a major disturbance at Portland, where the bulk were soon deposited.

Five years earlier, Portland's governor, George Clifton, had noted that the end of transportation to Western Australia was followed at the prison by an 'accumulation of evil-disposed and incorrigible prisoners'. This had led in turn to a deterioration in discipline that would, he predicted, continue as long as these men remained among the prison's general population. Indeed, Portland's assistant surgeon had recently received a deep scalp wound from a heavy iron bolt while attempting to examine 'one of these dangerous convicts'.[132] In 1872, Clifton noted that due to the presence at Portland of 'a large number of old offenders, and amongst them men of desperately bad characters', the preservation of disciplinary standards now required 'increased vigilance and firmness'. Another 'murderous assault' had taken place, this time on a different assistant surgeon, along with no fewer than twelve 'determined assaults' on warders, one of whose assailants 'attempted to cut him down with his shovel, boasting … afterwards that he had intended to kill him on the spot'.[133] The following year, the 'spirit of insubordination' among 'the reconvicted prisoners and old offenders' remained undiminished.[134]

In 1876, Clifton reported that '[t]he maintenance of rigid discipline becomes more necessary every day', Gibraltar's closure having by then led to an 'increase of the number of long-sentenced and life-men, many of whom being old offenders endeavour to … lead their less guilty companions into trouble.'[135] Since 1873, convicts punished for threatening or assaulting Portland's warders had been returned to separate confinement and thereafter placed in a segregated work party – '57 Party' – in which they laboured picking oakum under 'the strictest discipline', and from which release could be gained only by good conduct, and then only after a minimum three-month period.[136] Though its positive results exceeded Clifton's 'most sanguine expectations', the new system did nothing to avert a minor 'mutiny' on Good Friday in 1874, in which ten prisoners rushed guards as they were marched from exercise (the Howard Association reporting similar disturbances that year at both Chatham and Dartmoor). Neither did it prevent the permanent injury two years later of another warder, who was attacked with a hammer by a 57 Party prisoner temporarily assigned to a stone-

[132] *RDCP 1870*, p.118.
[133] *RDCP 1872*, p.108.
[134] *RDCP 1873*, p.96.
[135] *RDCP 1876*, p.371.
[136] *RDCP 1876*, p.372; Brown, *English Society*, p.106.

breaking gang.[137] In 1877, Home Secretary Richard Assheton Cross approved a new system of 'second probation', essentially an extension of that already in place at Portland. Directors could henceforth impose on any convict whose influence they viewed as 'pernicious' a further term of up to nine months' separate confinement, followed by segregation from the general population in a segregated work party. Convicts could be assigned to such parties simply on a Director's say-so, without having broken any prison rule. Du Cane regarded this as a 'very considerable step' towards preventing 'the more vicious' from 'exercising an evil influence on those less versed in crime and contaminating those who are less morally corrupt'.[138]

This, then, was the climate in which the Kimberley Commission 'anxiously considered' the danger of contamination in English convict prisons. Among the English public after 1860, as Bill Forsythe observes, nascent criminological theory, 'often only partially understood or absorbed from the press or wider intellectual climate', combined with disillusion with reformatory penal practice to intensify 'deep fears that a malignant, subhuman, pitiless enemy dwelled within the bowels of the social order'.[139] For convict prison officials, however, this was no mere caricature drawn from the pages of the illustrated press: convict establishments housed intractable clusters of reconvicted 'old offenders', 'evil-disposed and incorrigible', who defied discipline, flouted regulation, incited violent disorder and blasphemed with casual indifference, and whose licentiousness in some cases even extended to the cheerful commission of 'unnatural crime'. So far, this chapter has concentrated on such prisoners; on those, that is, in whom 'moral infection' (in the words of Parkhurst's chaplain) was believed to originate.[140] But this has been to neglect the 'less hardened', to whom, as we have seen, such men were believed to pose a danger. It is to these convicts that the chapter now turns.

## 'Gentleman convicts' and 'accidental criminals'

Accompanying fear of a 'criminal class', as Forsythe notes, was 'the tendency (probably always present in all ages) to make firm unbridgeable distinctions between occasional and habitual offenders, respectable and undeserving poor [and] curable and incurable insane'.[141] In both the run-up to the Kimberley Commission and its immediate aftermath, nobody did

[137] *RDCP 1876*, p.372, *RDCP 1874*, p.318; *Howard Association Report* (1874), pp.9-10.
[138] *RDCP*, PP 1878 [C.2175] XLIII, 1 (hereinafter *RDCP 1877*), pp. vi-vii.
[139] Forsythe, *Reform of Prisoners*, p.182, p.187.
[140] *RDCP*, PP 1878-9 [C.2446] XXXV, 1 (hereinafter *RDCP 1878*), p.288.
[141] Forsythe, *Reform of Prisoners*, p.182.

more to establish the first of these distinctions than the ex-convict authors of memoirs and articles that not only recounted personal experience of penal servitude, but advanced proposals for its reform. Of these texts, *Five Years' Penal Servitude by One Who Has Endured It* (1877) remains the best known, its author identified posthumously as Edward Callow, a railway company secretary sentenced in 1868 for his part in an attempt to defraud a City bank.[142] Callow was among former convicts called to give evidence to the Kimberley Commission, as was a witness identified only as 'G.H.', who in April 1878, three months into its hearings, published an anonymous article entitled 'Our Present Convict System' in the *Westminster Review*. Another similarly damning account of penal servitude, *Convict Life; or, Revelations Concerning Convicts and Convict Prisons by a Ticket-of-Leave Man*, coincided with the publication of the Commission's report in July the following year.[143] The same author was probably also responsible for a series of articles appearing in the London *Weekly Times* between November 1879 and February 1880 under the headline 'Our Convict System by an Ex-Prisoner', later reprinted as a single volume.[144] That such books enjoyed a wide readership is suggested by a *Punch* cartoon published in June 1880, entitled '"JUST OUT!"-(AT ALL THE LIBRARIES)', in which an elderly lady sharing a railway carriage with two well-dressed young women is alarmed by their conversation: "How did you like *Convict Life*, dear?" asks the first young woman, her companion replying, "Pretty well. We've just begun *Ten Years' Penal Servitude*…"[145]

All three authors – Callow, 'G.H.', and 'a Ticket-of-leave Man' – were examples of what Major Griffiths, now deputy governor at Millbank, writing in 1884, termed 'gentleman convicts' or (writing a decade later) 'gentleman gaol-birds'.[146] The designation dated originally to the early days of transportation, when male convicts had been divided into 'agricultural workers', 'mechanics' and 'gentlemen'.[147] According to Callow, warders at Dartmoor referred to any 'well educated man' as a 'gentleman lag', a phrase also recalled by

[142] Anon. (Edward Callow), *Five Years' Penal Servitude by One Who Has Endured It* (London: Richard Bentley & Son, 1877). On Callow see David J. Cox, 'Public and private perceptions of Victorian respectability – the life and times of a "Gentleman Lag"', *Prison Service Journal* 232 (2017), pp.46-52.
[143] Anon., *Convict Life; or, Revelations Concerning Convicts and Convict Prisons by a Ticket-of-Leave Man* (London: Wyman & Sons, 1879).
[144] Anon., *Our Convict System. By an Ex-Convict. Reprinted from 'The Weekly Times.'* (London: J. Hutton, 1880). A copy held by the British Library was destroyed.
[145] *Punch*, 24 July 1880, p.27.
[146] Arthur Griffiths, *Memorials of Millbank and Chapters in Prison History* (London: Chapman & Hall, 1884), p.354; idem., *Secrets of the Prison-House; or Gaol Studies and Sketches*, vol.2 (London: Chapman & Hall, 1894), p.77.
[147] Radzinowicz & Hood, *Penal Policy*, p.467, also f.n.12.

Richard Quinton, who had served as Portsmouth's MO in the late 1870s.[148] Martin Wiener, unusual among historians in ascribing to 'gentleman convicts' even marginal significance, describes them as prisoners 'of a higher social class and generally more delicate constitution than a Fagin or a Sikes'.[149]

As discussed elsewhere by the present author, the 'gentleman convict' was typically – though not exclusively – a former businessman or professional sentenced for embezzlement and/or fraud.[150] Such prisoners were only a tiny minority of the English prison population, but a growing one. Rapid transformation of the nation's business and financial structures during the nineteenth century's middle decades, accompanying the spread of the railway and, with it, the proliferation of the joint-stock company, afforded new and tempting opportunities to the less-than-scrupulous.[151] This in turn precipitated a rise in what the financial journalist David Morier Evans labelled 'high art crime' ('white collar' would enter the criminological lexicon only in 1939, first coined by the American sociologist Edwin Sutherland). Writing in 1859, Evans described the preceding two decades as 'one of the darkest pages in the commercial history of this country'.[152] Subsequent years would show little improvement, laissez-faire deregulation of banking and insurance in the early 1860s leading, if anything, to an increase in such offences.[153] In February 1879, for instance, as the Kimberley Commission began its second year of deliberation, the manager and the principal director of the City of Glasgow Bank, which had collapsed the previous year with debts of over £5 million, were each sentenced at the High Court in Edinburgh to eighteen months' imprisonment for falsifying its books. Five more directors received eight-month sentences, resulting in widespread dissatisfaction at what the public viewed as undue leniency.[154]

For former 'gentleman convicts', coping upon release with ruined reputations and professional disgrace, the prison memoir served as both a ready source of income and a means to self-exculpation. Understandably, such authors were keen to distance themselves

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[148] Callow, *Penal Servitude*, p.179; Quinton, *Crime and Criminals*, p.70.
[149] Wiener, *Reconstructing the Criminal*, p.310.
[150] See Ben Bethell, 'An exception too far: "gentleman convicts" and the 1878-9 Penal Servitude Acts Commission', *Prison Service Journal* 232 (2017), pp.40-5.
[151] George Robb, *White-Collar Crime in Modern England: Financial Fraud and Business Morality, 1845-1929* (Cambridge: CUP, 1992), pp.21-8.
[152] David Morier Evans, *Facts, Failures and Frauds: Financial Mercantile Criminal Revelations* (New York: Kelley, 1968 [1859]), p.1.
[153] Robb, *White-Collar Crime*, p.24.
[154] James Taylor, *Boardroom Scandal: The Criminalization of Company Fraud in Nineteenth-Century Britain* (Oxford: OUP, 2013), pp.176-81.

from these kinds of financial *causes célèbres*, which were unlikely to prompt sympathy in their readers. '[A] Ticket-of-Leave Man' no doubt had the City of Glasgow Bank case in mind when he listed among the 'front rank' of criminals Sir John Dean Paul, a banker convicted in 1855 of defrauding clients of over £100,000, following the collapse of the private West End concern of which he had been a senior partner.[155] He could, he wrote, 'draw no moral distinction between [such] men and the midnight burglar'. Setting out 'deliberately and in cold blood … to rob and defraud others', they forfeited 'all claim to mercy on account of … social position and may be safely and justly consigned to the same description of punishment as awaits the highway robber.'[156] 'G.H.', for his part, though he drew a distinction between, on the one hand, 'the perpetrators of … the gigantic frauds in connection with bubble companies, and the like, by which the mercantile world has been recently so deeply disgraced' and, on the other, 'your professional pickpocket, swindler, garrotter, burglar, maker of counterfeit coin and resetter of stolen goods', nevertheless held that the offences of the former 'imply a certain fixed depravity of nature', shared with men, reviled to an equal if not greater degree, whose convictions were for 'crimes of gross sensuality'.[157]

If both high-profile fraudsters and 'unnatural' offenders belonged with the burglars and pickpockets of the 'criminal class', 'gentleman convict' authors at the same time drew attention to a second, less culpable type of prisoner. Criminals, Callow argued, could 'be divided into two classes. The one consisting of those who have deliberately and in cool blood … set to work to rob or defraud, and those who have been led astray by others, or who have given way to a strong temptation in a moment of difficulty.' Within the latter category, he included men such as himself, 'driven for the moment into a tight corner … convicted and punished for crimes that may be termed "commercial lapses" – say, embezzlement, forgery, and breach of trust'.[158] '[A] Ticket-of-Leave Man', similarly, cited 'the man of education and culture, who, perhaps in the presence of some great calamity, or from misfortunes in business, or to ward off poverty from those nearest and dearest to him, in some rash moment, and after a life of sterling honesty and integrity, commits one act of dishonesty' as foremost

[155] Evans, *Facts, Failures and Frauds*, pp.123-4; Robb, *White-Collar Crime*, pp.60-1; Taylor, *Boardroom Scandal*, p.103.
[156] Anon., *Convict Life*, pp.9-10.
[157] Anon., 'Convict System', pp.413-4.
[158] Callow, *Penal Servitude*, pp.273-4.

among those prisoners 'who ought not to be considered as habitual criminals or be dealt with as such.'[159]

Such distinctions were at odds, not only with Du Cane's insistence on punishment's uniform application, to which 'the previous career and character of the subject makes no difference', but with his assessment that convict prisons were filled mainly with 'habitual and professional offenders against the law; people who in a large number of cases have gone through a lengthened training and acquired a certain skill in crime'.[160] Nevertheless, the necessary corollary of the latter was what were variously termed 'novice', 'amateur' or 'casual' criminals, or, more commonly, 'accidental criminals' (or 'criminals by accident'). This term dates at least to the early 1860s: writing in 1862, for instance, Henry Mayhew drew 'a most important and fundamental distinction' between 'professional criminals' and 'those who are dishonest from some accidental cause.'[161] A year later, the governor of Stafford gaol can be found explaining to a House of Lords select committee on local prisons that pilfering domestic servants and labourers sentenced for drunken offences were 'accidental offenders … of a totally different class from thieves or vagrants, and all other classes of criminals. They come to prison because it is an accident of their life, just as in the case of a man hunting who breaks his collar-bone'.[162] The designation would prove an enduring one: dividing prisoners into four categories in 1922, Stephen Hobhouse and A. Fenner Brockway labelled the first of these 'Accidental Criminals', which they defined as prisoners convicted of 'crimes of malicious violence … crimes of lust, or … one of the many offences against property for which misfortune or some exceptional temptation is responsible.'[163]

The intervening decades had witnessed not only an evident broadening of the concept, but its increased acceptance. Indeed, as notions of the 'habitual criminal' hardened, replacing earlier perceptions of a vast, undifferentiated 'dangerous' class, now tamed by police, the 1870s, as Wiener observes, saw 'the bifurcation of the dominant image of criminals into two quite different, and even in some ways opposite types', the skilled 'professional' standing in

[159] Anon., *Convict Life*, pp.19-20.
[160] Edmund Du Cane, *The Punishment and Prevention of Crime* (London: Macmillan & Co., 1885), p.155; *RDCP 1872*, p. v.
[161] Mayhew & Binny, *Criminal Prisons*, p.87.
[162] *Report from the Select Committee of the House of Lords, on the Present State of Discipline in Gaols and Houses of Correction*, PP 1863 [499] IX, 1, q.1620, p.155.
[163] Hobhouse & Brockway, *English Prisons*, p.9. Their other categories were 'Habitual', 'Weak-minded' and 'Insane'.

sharp contrast to his hapless, desperate or inadequate counterparts.[164] By 1895, the Gladstone Committee's report urged 'recognition of the plain fact that the majority of prisoners are ordinary men and women amenable, more or less, to all those influences which affect persons outside.'[165] Debating the subsequent Prison Bill in 1898, Arthur O'Connor, the nationalist member for Donegal East, who had served on the Committee, argued that the majority of prisoners were 'to be pitied rather than despised'; he could not 'see that there is any great difference between myself and those prisoners, any more than there is between me and the hon. Gentlemen now sitting around me.'[166] For his part, Home Secretary Sir Matthew White Ridley acknowledged the need to 'mitigate the treatment for those who are not really criminals in our prison population', while Herbert Asquith, who as Home Secretary under Roseberry had appointed the Committee, observed that 'a very large class in our prisons … are men and women who, without any ingrained criminal instincts and habits, are paying the penalty of some sudden and perhaps unpremeditated act, an act committed in a gust of passion or during a bout of drink.'[167]

Twenty years earlier, keen to place themselves unambiguously among such company, former 'gentleman convict' authors had done much to advertise the existence of 'accidental' criminals, condemn their plight, and identify their variety. Indeed, Wiener argues that Callow actively 'constructed a category of lesser culpability', whose members, he observes, 'were disproportionately to be found among middle-class prisoners'.[168] To shore up this category, men 'driven into a tight corner' allied themselves with those belonging to 'the industrious but unfortunate poor', left by genuine and desperate poverty with no choice but to steal.[169] 'Gentleman convict' authors portrayed such prisoners as largely a rural phenomenon, reserving for their urban counterparts the dark hues of the 'criminal class'. '[A] Ticket-of-Leave Man' pleaded for '[m]en naturally honest', but 'very ignorant … very, very poor' and unable to find work, who 'in the extremity of their need, carried off from some neighbouring farmer's barn a bushel of potatoes, or from some adjacent baker's shop a gallon of bread, with which to satisfy the cravings of a dozen helpless and innocent

[164] Wiener, *Reconstructing the Criminal*, p.217, p.300; Victor Bailey, 'The Fabrication of Deviance: "Dangerous Classes" and "Criminal Classes" in Victorian England', in *Protest and Survival, the Historical Experience: Essays for E.P. Thompson*, ed. John Rule & Robert Malcolmson (London: Merlin Press, 1993), pp.240-5.
[165] *Gladstone*, par.25, p.8.
[166] HC Deb 24 March 1898 vol.55 c.873.
[167] Ibid. c.837; HC Deb 4 April 1898 vol.56 cc.73-4.
[168] Wiener, *Reconstructing the Criminal*, p.311.
[169] *Weekly Times*, 28 December 1879, p.2.

children.'[170] A previous sentence for a similar offence or for poaching could land such unfortunates in a convict prison: among his fellow convicts at Dartmoor, Callow recalled a farm labourer previously sentenced for stealing butter, 'driven by his children's wants to take twelve eggs from under a duck'.[171] '[T]his class', 'a Ticket-of-Leave Man' argued, should be 'preserved during their prison life from the contamination of hardened criminals'.[172] At the same time, he alerted his readers to another 'very large class … who can date their ruin directly to the influence of drink and public houses'. Admitting that his own sentence had been 'a consequence of similar folly', he observed that 'convict prisons are crowded with men who, had they been teetotallers, would today have been the heads of happy families.'[173] Such cases were 'confined to no class: mechanics, merchants, and professional men, and clerks, shopkeepers, and labourers take the wretched road which in many cases leads too surely to a convict prison.' At Portland, for example, there were 'half a dozen young men [who] traced their ruin to City and West End drinking saloons'. All belonged to 'decent and respectable families' and 'three of them had been bank clerks'.[174]

The latter were seen as part of a distinct 'educated' element within the English convict population, to which 'gentleman' fraudsters also belonged. Writing in 1884, Griffiths ranked 'those who occupy positions of trust in banks or city offices, and for whom the temptation of an open till or slack administration are too strong to be resisted' as '[s]omewhat lower in the social scale' than the genuine 'gentleman convict', 'but superior also to the common burglar, or thief'.[175] Portland's former governor, William Morrish, newly appointed as a Convict Director, explained to the Kimberley Commission that 'those who have held better positions, such as the professional man, the commercial clerk, the Post Office man', all belonged to what he described as 'the more respectable class' of convict.[176] If 'gentlemen' belonged to the upper reaches of this 'class', the 'Post Office man', as we shall see in the following chapter, provided its main ingredient. Subsequent to an Act of 1767 which classed all postal theft as a felony,[177] there were, as William Tallack, founder and secretary of the Howard Association, told the Commission, 'frequent cases such as this, where a postman, a decent,

[170] Anon., *Convict Life*, pp.25-6.
[171] Anon., 'Convict System', p.411; Callow, *Penal Servitude*, p.299.
[172] *Weekly Times*, 28 December 1879, p.2.
[173] Ibid., 28 December 1879, p.2; 8 February 1880, p.2.
[174] Ibid., 8 February 1880, p.2.
[175] Griffiths, *Memorials*, p. 355.
[176] *Kimberley*, q.2831, p.236.
[177] 7 Geo. III, c.50; Clive Emsley, Tim Hitchcock & Robert Shoemaker, 'Crime and Justice - Crimes Tried at the Old Bailey', *Old Bailey Proceedings Online*, http://www.oldbaileyonline.org/static/Crimes.jsp#theftfrompostoffice (accessed 8 April 2019).

respectable man in general, under the pressure of severe temptation, with perhaps a sick family … abstracts a few postage stamps from an envelope and is committed to five years' penal servitude.'[178] Griffiths, for his part, thought that 'men like post office clerks and letter carriers' did not 'belong to the dangerous classes.'[179]

'Educated' convicts were perceived as a growing presence in English convict prisons. Giving evidence to the Commission, the eminent judge, Sir Robert Lush, confirming that he had 'sentenced a larger proportion of men of education to penal servitude within the last seven or eight years than before', observed that 'the coarser kind, the more brutal kind of crime is diminishing, but that the crime that requires more talent and accomplishment is rather increasing; forgeries, frauds and things of that kind'.[180] Writing two years earlier, Pentonville's chaplain, Ambrose Sherwin, had described as 'lamentable' the fact that 'a large proportion' of convicts now 'belonged to the somewhat decent and educated middle class, viz. clerks (from merchants' and bankers' houses), underwriters [and] post office employees'.[181] Such convicts were viewed as particularly vulnerable to the malign influence of seasoned fellows. George de Renzi, for instance, who had served as Millbank's chaplain for over twenty years, told the Commission that he thought it a 'great misfortune' that 'comparatively innocent youths … such as post office clerks, or post office employees of any sort, or mercantile clerks or persons of that sort' were 'thrown indiscriminately among the common run of prisoners.'[182]

The shrillest of such alarms, however, were those sounded by 'gentleman convict' authors. In convict prisons, warned 'G.H.', 'raw lads respectably educated, who have, more through weakness than depravity, been guilty of some single act of fraud' worked alongside convicts 'steeped in crime from their childhood'.[183] '[A] Ticket-of-Leave Man', describing convict prisons as 'breeding-dens for the procreation of professional thieves', asked his readers to consider a

> London clerk (perhaps an underpaid one with a large family) [who] has forgotten for the moment that "honesty is the best policy." … In a weak moment he takes a stray

[178] *Kimberley*, q.2746, p.226.
[179] Ibid., q.3244, p.275.
[180] Ibid., qq.11697-8, p.929.
[181] *RDCP 1876*, p.355.
[182] *Kimberley*, q.5810, p.471.
[183] Anon., 'Convict System', p.411.

> sovereign from the petty-cash drawer. He is sent to Dartmoor, and upon his release … is able to open a cash-box, and close it again, without the use of a key.[184]

Callow depicted contamination of this kind as a phantasmagorical transformation of its subject. Writing of a 'collector for a city warehouse' sentenced for embezzlement, 'a nice-looking young fellow, barely eighteen years of age', he recalled that he had

> noticed a great change in him for the worse. He had been thoroughly instructed in all manner of manoeuvres, and I am sorry to say he seemed an apt pupil. The last time I saw him at exercise … his face had completely altered and lost all the last remnants of innocency. It had assumed that peculiar expression so prevalent among habitual thieves, and which, to those who know it, is unmistakable – a 'leary look,' in which fear, defiance, and cunning are mixed up together.[185]

These authors, we should note, were concerned ostensibly with the threat of contamination not to themselves, but to their impressionable fellows. As Callow confidently explained, men such as himself, convicted for 'commercial lapses', 'are seldom, if ever, guilty a second time'.[186] They were, 'G.H.' informed the Commission, 'not of criminal character and are not addicted to such things, and … after one punishment cannot be reasonably expected to incur another'.[187] Indeed, setting aside 'a single divergence from moral honour', as 'a Ticket-of-Leave Man' described his own offence, the 'gentleman convict' might prove an individual of exceptional moral fibre: to withstand 'the evil influences and vile associations which have surrounded me during the past six years', he asserted, 'has required no small amount of moral courage on my part'.[188] Here we find a paradox. The 'gentleman convict', so preoccupied with the contamination of 'accidental criminals', was, by his own account, uniquely immune to criminal pedagogy: 'had I been a man of naturally dishonest tendencies,' Callow wrote, 'I might have fallen into the temptation, swallowed the bait, and have formed alliances for a future life of villainy and crime.'[189] But he was not, and he did not. Were 'gentleman convicts' moved, then, simply by altruism? Or did they, as Radzinowicz and Hood suggest,

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[184] Anon., *Convict Life*, pp.6-7.
[185] Callow, *Penal Servitude*, pp.144-6.
[186] Ibid., p.374.
[187] *Kimberley*, q.11367, pp.896-7.
[188] *Weekly Times*, 16 November 1879, p.2; Anon., *Convict Life*, p.2. Reviewing the latter, a correspondent for the *Daily News* wondered 'by what strange misfortune or irony of fate so earnest a philanthropist can have found himself at any time in a position to study from so disagreeable a point of view the internal economy of penal institutions', 24 December 1879, p.2.
[189] Callow, *Penal Servitude*, p.375.

exaggerate the danger posed to 'accidental' by 'habitual criminals' simply in order to obtain 'separate better treatment'?[190] As we saw earlier, 'contamination' was a term both capacious and slippery, and could accommodate a multitude of evils. What, precisely, did it mean to 'gentlemen'?

## 'Filthy talk'

To explore this question, it is necessary first to appreciate the genuine horror felt by such men at the prospect of forced association with their social inferiors. Most, wrote 'G.H.', regarded 'the enforced companionship of the general mass of the prisoners' as 'loathsome beyond expression'.[191] Callow recalled that, as the first stage of his sentence neared its end and transfer to a public-works prison beckoned, he 'dreaded very much the being herded and brought into daily, hourly contact with some of the ruffians and blackguards I had hitherto been able to keep at a distance.' Indeed, for 'gentleman convicts', association in a public-works prison was understood to be among the cruellest - if not *the* cruellest - element of penal servitude. Portland's Reverend Hill felt that this aspect of convict prison life would serve, above all others, to deter 'educated' criminals, were they only to know 'that in being sent hither there can be no other lot for them than the daily and incessant companionship of men from whom, in other circumstances, they would recoil'.[192] As Parkhurst's governor, Major Francis Noott, told the Commission, 'for the men of the superior classes … the association with ordinary convicts must be an hourly degradation.'[193]

Lowest of all were those belonging to the putative 'criminal class' (or variations thereof), which was viewed almost as akin to an untouchable caste. This accounts for the viciousness with which 'gentleman' convicts denounced their 'habitual' peers - which, as both contemporary reviewers and Radzinowicz and Hood observe, did them little credit.[194] For sheer vitriol, none could surpass 'a Ticket-of-leave Man', for whom the 'professional criminal class' was 'steeped in villainy, and filth, and inhuman atrocity'.[195] Remarking that 'it would be a bright day for England if four or five thousand of the wretches now confined in convict prisons could be embarked in the *Great Eastern*, towed into mid-ocean, and sunk in its fathomless depths', he 'solemnly declare[d] that whatsoever things are hateful and

[190] Radzinowicz & Hood, *Penal Policy*, p.546.
[191] Anon., 'Convict System', p.413.
[192] *RDCP 1860*, p.148.
[193] *Kimberley*, q.10871, p.861.
[194] *The Standard*, 22 November 1879, p.2; Radzinowicz & Hood, *Penal Policy*, p.546.
[195] *Weekly Times*, 28 December 1879, p.2.

fiendish, if there be any vice and infamy deeper and more horrible than all other vice and infamy, it may be found ingrained in the character of the English professional thief.'[196] His polemic owes much of its visceral quality to imagery of pollution: members of the 'thief-class' are 'so vile, so filthy' as to be incapable of 'one pure thought or one honest aspiration', have 'a strange disposition to filthiness and dirt in all senses of words', and 'revel in their filth and corruption'. Until forced to associate with 'habitual criminals in the English Convict System', 'a Ticket-of-leave Man' had never known 'the literal meaning of foulness and filth'.[197] Bearing in mind that convict prisons, though perhaps insalubrious, could not, as we have seen, be considered literally filthy, was 'filth' used here simply to convey a general sense of physical revulsion? Or was its meaning more specific? '[F]ilthiness and dirt in all senses of words' suggests that it might have been. Which in turn begs the question of the specific sense in which 'gentleman convicts' believed themselves to be at risk of contamination. What was the 'literal meaning' to which 'a Ticket-of-leave Man' alluded?

First and foremost, both 'gentleman convicts' and prison officials used 'filthy' in reference to language, as when the Irish republican and former Dartmoor convict Michael Davitt (later to spend time at Portland following revocation of his licence, and later still the Member of Parliament for South Mayo), complained to the Kimberley Commission of convicts' 'foul and filthy language'.[198] For many, this aspect of convict prison life evidently came as a shock. Due to his 'experience of contested Parliamentary elections', Jabez Balfour, for instance, a star man at Portland and Parkhurst during the 1890s and early 1900s, considered himself 'fairly familiar with the admitted wealth in profane expletives of the English language'. But he had 'never in my life imagined that human lips could utter such horrible blasphemy and obscenity as I was doomed to listen to almost daily during many years of my life in a convict prison.'[199] Henry Harcourt, another former convict who gave evidence to the Kimberley Commission, observed that 'the talk which [the prisoners] make use of would not be tolerated in a well regulated brothel.'[200] Far from being a secondary problem, 'filthy talk' was viewed as intrinsic to contamination. Confirming in his evidence to the Commission that a repeat petty offender would indeed be likely to 'contaminate' his fellow convicts, Parkhurst's chaplain explained that 'if he has often been in prison he would

[196] Anon., *Convict Life*, p.13, p.16.
[197] Ibid., pp.12-3, pp.15-6; *Weekly Times* 28 December 1879, p.2.
[198] *Kimberley*, q.6588, p.534.
[199] Balfour, *Prison Life*, p.303.
[200] *Kimberley*, q.4429, p.357.

know so much of the prison "slang" … and talk that he would very much contaminate others.'[201] Once the star-class system was established in convict prisons, the shielding of first-offenders from bad language was often listed as among its principal benefits. Outlining the system's rationale, Balfour placed bad language to the fore of those evils the system aimed to remedy: 'the "star"', he explained, 'would not be exposed to the criminal associations and suggestions of habitual gaolbirds [and] would not be offended by the coarse and blasphemous language in which many of the latter indulge.'[202]

Of what might such language have consisted? The evidence upon which the historical study of swearing in English relies – and in particular Victorian swearing – is by its nature garbled and highly fragmentary: the taboos from which 'filthy talk' derived its force also largely proscribed its transcription, thus preventing its full and precise reconstruction.[203] Nevertheless, it is safe to assume that the word 'bloody' - the 'lowest' classes' fondness for which contemporary commentators endlessly bemoaned - would have been common, as is suggested by 'a Ticket-of-Leave Man's' recollection of the 'sanguinary and blasphemous language' used by the 'professional criminal class'.[204] Beyond this, and the equally prevalent 'bugger', Melissa Mohr argues that by the 1860s, the word 'fuck' had acquired the versatility it still enjoys, while 'shit' was employed in the 1880s much as it would be a century later. Mid-Victorian swearing, she concludes, 'probably sounded much as it does today'.[205] Certainly, none of the swearwords classed by philologists as the 'Big Six', all of them employed since the late seventeenth century to provoke and offend, would have been entirely unfamiliar to most nineteenth-century Englishmen.[206]

One source, however – unusual in being unredacted - suggests that among at least some men finding themselves in a convict prison for the first time, a somewhat delicate sensibility prevailed. In 1890, as discussed further in Chapter 3, an investigation took place into the treatment at Chatham of Irish prisoners convicted under the 1848 Treason Felony Act[207] for

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[201] Ibid., q.8744, p.707.
[202] Balfour, *Prison Life*, p.362.
[203] Geoffrey Hughes, *Swearing: A Social History of Foul Language, Oaths and Profanity in English* (London: Penguin, 1998), p.5; p.20.
[204] Melissa Mohr, *Holy Shit: A Brief History of Swearing* (Oxford: OUP, 2013), pp.210-2; *Weekly Times*, 28 December 1879, p.2.
[205] Mohr, *Holy Shit*, p.213, pp.215-7.
[206] Ibid., p.175; Hughes, *Swearing*, p.20; p.153. Hughes lists the 'Big Six' as 'shit', 'piss', 'fart', 'fuck', 'cock' and 'cunt', their provenance ranging from Old English to early modern; reviewing Mohr, Sam Leith substitutes 'fart' with 'arse'. *The Guardian*, 23 May 2013, https://www.theguardian.com/books/2013/may/23/holy-shit-history-swearing-mohr (accessed 8 April 2019).
[207] 11 & 12 Vict., c.12.

offences committed during the Fenian dynamite campaign of the 1880s. Two men, John Daly, aged 44, and James Egan, 43, both from Limerick (the former a future Mayor of Limerick City), sentenced in 1884, following their arrest by Birmingham police for possession of explosives, to penal servitude for life and twenty years respectively, complained of the 'habitual use of disgusting language', though not by fellow convicts but by Chatham's warders.[208] While undoubtedly crude, examples provided by the men would, *pace* Mohr, today barely raise an eyebrow. In a typical instance, Daly related, a warder who had shaved off his beard told a colleague, '"I went to the closet and I had no paper, and I took it off to wipe my arse."'[209] Egan, in a written statement, gave as examples of the 'filthy dirty language used by officers', '"Bloody Irish swine", "Shit, its [*sic*] nothing but shit, I suppose if I told you you were made of shit you would not believe me" and "Look here! Here's a bloody little arce [*sic*]"'.[210] 'We may have been poor,' he told prison Visitors, 'but are never accustomed to such language as that.'[211]

The effect of swearing is, however, derived not simply from the use of particular words, but from vivid juxtapositions of the sacred and the profane.[212] It can easily be imagined that any prisoner possessed of strong religious convictions might have found it upsetting (as some still would today) to hear casual blasphemy peppered with coarse terms for bodily functions. In 1885, for instance, five years after the introduction of the star class at Chatham, the Howard Association quoted one recently released convict, who had complained to his MP 'of the language too frequently addressed by the warders' even to 'the better class of prisoners, those wearing the red star'. It was, he recalled, 'not pleasant to be ungrammatically cursed; to hear the Saviour and the Holy Ghost blasphemed'.[213] In all likelihood, such quotidian usage constituted the bulk of what Balfour complained of as 'unchecked orgies of blasphemy and filth.'[214] 'G.H.' was more sanguine, observing that 'convicts seldom *swear*, in the sense of using profanely the names of sacred things, but their conversation teems with words of the foulest import.'[215] This tallies with the experience a quarter of a century later of Lord

[208] *Report of the visitors of Her Majesty's convict prison at Chatham as to the treatment of certain prisoners convicted of treason felony*, PP 1890 [C.6016] XXXVII, 629 (hereinafter *Chatham Visitors*), p.177, q.1577, p.46; Seán McConville, *Irish Political Prisoners, 1848-1922: Theatres of War* (London: Routledge, 2002), pp.351-2; James McGuire & James Quinn ed., *Dictionary of Irish Biography: From the Earliest Times to the Year 2002* vol. 2 (Cambridge: Cambridge University Press, 2009), p.27.
[209] Ibid., q.1577, p.46.
[210] Ibid., p.184.
[211] Ibid., q.2117, p.64.
[212] Hughes, *Swearing*, pp.4-5.
[213] *Howard Association Report* (1885), p.12.
[214] Balfour, *Prison Life*, p.304.
[215] Anon., 'Convict System', p.416.

William Beauchamp Nevill, a younger son of the 5th Earl of Abergavenny sentenced in 1898 to five years for fraud, who recalled in a 1903 memoir that '[a]fter being some time in prison one's ear gets accustomed to swearing, for many prisoners habitually use the foulest possible language both to their fellow prisoners and to officers.'[216]

Conversely, some of the language considered 'filthy' by contemporaries might seem to us altogether devoid of obscenity. '[A] Ticket-of-Leave Man', for instance, writes of the occupant of the cell adjoining his at Portland that 'the emanations from his mouth were filthy beyond description, and would have created a moral pestilence anywhere.'[217] He then, however, merely recalls his neighbour expressing hope that his wife, now living with another 'bloke', will return to him upon his release, as her employment allows him to spend his entire income on spirits. The reader is left to wonder whether this in itself constitutes 'filth' or merely an affront to middle-class morality. Reverend Hill struck a similarly priggish chord, denouncing the 'penny theatre' as a 'demoralizing agency seriously affecting our youthful population for evil'. 'In the worst class of prisoners', Hill wrote in 1873, 'we recognize the slang and phrases of such dramas as Jack Sheppard. In solitary confinement they will often while away their time by shouting out snatches from these pestilent representations, with words of indecency picked up there.'[218] As such comments indicate, swearing's offensiveness to middle-class ears lay not simply in its breaking linguistic taboos, but in the fact that lower social orders were usually responsible for breaking them. As Mohr argues, the use by middle-class Victorians of euphemisms (or of Latinate orthophemisms) to mask direct references to bodily functions served to emphasize an 'extreme delicacy' that shrank from anything even remotely taboo, and thus the speaker's distance from social inferiors, for whom the 'water closet' remained the 'shithouse'.[219] To men bound by such conventions, exposure to words whose taboo status stemmed from their direct relation to the most intimate of these functions would have seemed both morally and socially offensive: not only indecent but intolerably vulgar. Moreover, many middle-class men viewed the 'cleanliness' of their language as akin to bodily hygiene; indeed, both were seen as twin pillars of middle-class virtue. As an American philologist put it, writing in 1859, 'purity of speech, like personal

[216] 'W.B.N.' (William Beauchamp Nevill), *Penal Servitude* (London: William Heinemann, 1903), p.145; *New York Times*, 14 May 1939, p.19. The paper's report of Nevill's death mentions that he went on to serve a second prison sentence.
[217] Anon., *Convict Life*, p.162.
[218] *RDCP 1872*, p.170.
[219] Mohr, *Holy Shit*, p.198, p.207.

cleanliness, is allied with purity of thought and rectitude of action.'[220] It is partly in this context that the strong reaction of 'gentleman convicts' (and others) to 'filthy' language should be understood.

But was this all that they reacted to? Was the language used by convicts appreciably worse than that heard in London pubs on a Saturday night, or in its parks on a bank holiday weekend?[221] Giving evidence to the Kimberley Commission, Dartmoor's governor, Captain Vernon Harris (soon to be transferred to Chatham, where we will meet him again in the following chapter), was asked whether there was 'any great difference between the conversation of these prisoners, and that which you hear in the streets; are they much more filthy and much more objectionable in the terms which they use?' Harris replied that 'the ordinary artisan makes use of language which is very similar, but perhaps not quite so bad', though he acknowledged that there were 'a considerable number of convicts who do not belong to the class at all that would naturally use such language'.[222] The question of whether convicts' bad language exceeded that heard elsewhere also cropped up in Callow's evidence to the Commission. In his memoir, Callow had described certain of his fellow convicts at Dartmoor as 'mere brutes in mind and demons in heart'; asked to clarify what he meant by this, he explained, 'I am speaking there of men's ideas and men's language.' Reminding him that 'even among good men outside, of a particular class, you will find some brutal words without attaching any special importance to them', Kimberley then asked Callow whether he was referring to 'something beyond such bad words'. 'Yes', he responded, 'far worse.' He was then asked whether this was '[s]omething beyond what working men in the street are in the habit of addressing to each other?', and replied:

> Yes, something that one would hardly like to remember. While you are on that point I may say that there were prisoners there who were under sentence for unnatural crimes. There was one man in particular who was liberated while I was there … [O]ne never saw anything improper in his conduct, but his language was something really dreadful.[223]

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[220] George Perkins Marsh, quoted in ibid., p.207.
[221] Hughes, *Swearing*, pp.153-4 quotes Mayhew in 1857 describing the 'hoarse horse-laughs and loud indecency' of Piccadilly, and George Gissing complaining in 1882 that Londoners' 'notion of a holiday is to rush in crowds to some sweltering place, such as the Crystal Palace, and there sit and drink and quarrel themselves into stupidity… Places like Hampstead Heath and the various parks and commons are packed with screeching drunkards'.
[222] *Kimberley*, qq.8346-8, p.671.
[223] Ibid., qq.11985-8, p.954.

Portland's governor, George Clifton, subscribed to a similar notion of verbal contamination, telling the Commission that there was 'nothing to prevent the men… from talking in the most filthy and disgusting manner between the corrugated iron cells and thus contaminating each other'. Convicts had complained to him of 'the contaminating influence' of others, whose 'language is very disgusting and very obscene.' Believing that it was 'the having men of all sorts and crimes mixed together which is the evil', he wished to see convicts assigned to work parties on the basis of the offence for which they had been sentenced.[224] On this point, however, he grew somewhat muddled, asserting that gangs were supervised in such a way as to prevent communication between convicts, yet at the same time advocating segregated gangs in order to 'prevent their becoming contaminated when they do come into contact'. The true source of his anxiety was apparent enough: he would, he explained, 'never have a man who had committed an unnatural crime put in with men who had come in with first convictions.' Classified work parties would allow him to 'place men together who even if they did communicate would not contaminate each other'.[225] At Portland, there were '18 or 19' convicts sentenced for 'unnatural crimes', estimated by Clifton as roughly two per cent of the prison's total population. They 'all contaminate the others', he complained, a fact appreciable only by 'those who come into contact with, and hear the language made use of by prisoners, which is so contaminating even to those that come into contact with them'.[226]

Michael Davitt, like Clifton, advocated classification on the basis of offence in order to 'still more narrow the sphere of contamination'. Even though he acknowledged that 'men convicted for unnatural crimes' were 'not very numerous', his primary aim, like Clifton's, appears to have been their separation from other convicts: they should, he wrote in 1885, 'be confined in other than corrugated iron cells by night, and be employed by day apart from all other prisoners.'[227] A decade later, he told the Gladstone Committee that 'men who are in prison for certain classes of offences I will not name should be kept entirely apart from other criminals.'[228] Again, the danger was not that these prisoners might commit sexual acts, but simply that they would talk about them: 'some of those perverted beings', he recalled in his memoir, 'monopolize the surreptitious conversation of their immediate surroundings in the

[224] Ibid., q.2214, q.2208, q.2211, pp.164-5.
[225] Ibid., q.2214, q.2211, p.165.
[226] Ibid., q.2231, p.168.
[227] Michael Davitt, *Leaves from a Prison Diary; or, Lectures to a "Solitary" Audience*, vol.1 (London: Chapman & Hall, 1885), p.230.
[228] *Gladstone*, q.11306, p.390.

work-gang by day and of the ward in which they were located by night.'[229] Similarly, in 1872, three years before the prison's closure, Gibraltar's chaplain, reporting (perhaps optimistically) that 'unnatural crime' there had 'been checked, but not eradicated', observed that 'it is talked about, and hence the moral atmosphere becomes tainted. That which should be buried in the deepest silence of shamefacedness is exhumed, and breeds corruption.'[230]

'Filthy talk', then, encompassed not only profanity and blasphemy, but also indecent subject matter, of which none was less 'filthy' than sex between men. But, again, we should not necessarily assume such 'talk' to be by our own standards excessively lurid: an outraged John Daly, for instance, described as 'a cool deliberate piece of blackguardism' the behaviour of a warder at Chatham, who 'came up to me one night, and said to me in a most confidential manner, "Daly, do you know a young man named Jones [?]"'; when Daly replied that he did, the officer in question 'then said to me, "you can kiss his arce you buggar," [*sic*] and walked away.'[231] Relatively unexceptional exchanges such as this might have accounted for at least some of the 'disgusting' language to which men like Callow and Davitt objected. Indeed, some 'gentlemen convicts' may even simply have misinterpreted the bandying of 'bugger' by fellow prisoners and staff: Daly himself complained of one officer 'going his rounds every other night … making the air ring with such languag[e] as you bloody buggar, you old buggar, lying buggar'.[232] Nevertheless, discussion – or even the mere suggestion - of sex within convict prisons undoubtedly contributed to the perceived contamination of their populations.

Beyond this, as we have seen, 'filthy talk' came in several forms. At Parkhurst, Balfour recalled, he was subjected to 'every profane oath, every obscene and disgusting expression, every glorification of vice and lawlessness, every incitement to crime and immorality in which these ruffians indulged (and their lips were seldom closed)'.[233] '[A] Ticket-of-Leave Man', similarly, drew little distinction between 'filth' and criminal pedagogy, warning that inadequate cell partitions allowed convicts to pass their time 'in vicious and filthy conversations with their next neighbour, and in watching and perfecting conspiracies against life and property.'[234] When two 'old thieves' occupied adjacent cells, he explained, 'the

[229] Davitt, *Leaves*, p.230.
[230] *RDCP 1872*, p.525.
[231] *Chatham Visitors*, q.1500, p.43, p.180.
[232] Ibid. p.181.
[233] Balfour, *Prison Life*, pp.305-6.
[234] Anon., *Convict Life*, pp.165-6.

filthy conversation which takes place may be imagined. All sorts of villainies and conspiracies are concocted … and if the man on either side of the "chatters" happens to be a novice in crime, he has the opportunity of taking lessons in rascality.'[235] Thus, 'filthy talk' shaded into discussion of criminal exploits, and (though the extent of these may well have been exaggerated) attempts to plan crimes, form criminal confederacies, teach criminal practices, and initiate novices into criminal life. It was the toxic ground upon which obscenity and criminal pedagogy met. As William Tallack warned Du Cane in an open letter published in 1878 (to which we shall return), '[t]he old hands are constantly instructing first committals in the arts of robbery and crime. Their conversation is almost wholly on that, and on obscenity and blasphemy.'[236]

In this light, the participation of warders in 'filthy' conversation would have seemed particularly objectionable. Of the 'abominable' language employed by 'old criminals', 'a Ticket-of-Leave Man' complained that 'the more revolting it is to decency the more it is enjoyed by the ignorant and degraded class of men who are selected by the authorities to superintend the labour, and assist in the *reformation* of convicts.'[237] Similarly, the American fraudster George Bidwell, Davitt's contemporary at Dartmoor in the 1870s, recalled 'many [warders] telling or exchanging obscene stories with the prisoners, and using the vilest language and bandying thieves' slang, in which they become proficients'.[238] Such conduct was inexcusable: 'a Ticket-of-Leave Man', who claimed to have 'known a warder to stand for an hour in an old lag's cell, and laugh with him over stories so obscene that they made me sick', advocated instant dismissal for officers 'guilty of obscene language, or … known to be *habitués* of a public house'.[239] During the 1880s, according to 'No.7', a former convict writing in 1906, complaints from prisoners at Wormwood Scrubs actually resulted in dismissal of one warder, a man who 'spent his whole time in formulating filthy jests or expressions'.[240]

If coarse conversation formed the common ground upon which warder and 'lag' could meet, it was a realm from which 'gentleman convicts' were excluded. Warders' habit of

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[235] Ibid., pp.161-2.
[236] William Tallack, *English Convict Prisons: Some Needed Reforms (1877-78). With a letter to the Chairman of the Directors of these Prisons* (London: The Howard Association, 1878), pp.15-6.
[237] Anon., *Convict Life*, p.36.
[238] George Bidwell, *Forging his Chains: The Autobiography of George Bidwell*, (London: H.C. Mott, 1888), p.433.
[239] *Weekly Times*, 18 January 1880, p.2; 12 December 1879, p.2.
[240] Anon., *Twenty-Five Years in Seventeen Prisons: The Life Story of an Ex-Convict, With his Impressions of our Prison System By 'No.7'* (London: Hutchinson & Co., 1906), pp.52-3.

partnering ‘gentlemen’ with ‘lags’ during Sunday exercise, when most convicts, until 1878, were permitted to converse for an hour while walking in pairs, compounded their isolation. According to ‘C.D.’, another former convict who, having recently completed a sentence for forgery, gave evidence to the Kimberley Commission, it was ‘a great boon to be allowed to associate with men of your own class’. At Chatham, however, ‘you [were] positively forced into a communication which is undesirable [and] shut out from those persons who perhaps have been in the same station of life as yourself’.[241] In his memoir, Callow told readers that warders at Dartmoor ‘take a special delight in preventing two decent men from getting together, and seem to glory in placing beside a well-educated man … some coarse foul-mouthed brute, whose every fourth word is either an oath or a disgusting obscenity.’[242] Questioned by Kimberley, Callow attributed this practice to warders’ ‘petty feeling of persecution’; it was, he observed, ‘educated men, as the term is, those who have been in a respectable sphere of life who are the objects of that sort of persecution.’ Having sought clarification that by this Callow meant ‘men belonging to the more educated class rather than merely respectable men’, Kimberley suggested that ‘the reason may be that the warders, not belonging to the more educated class themselves, have not much sympathy with it’, an assessment with which Callow agreed.[243]

For warders, this particular form of entertainment came to an end in 1878, when single-file Sunday exercise, introduced in 1876 for men in the probationary class and third class, was extended to all convicts.[244] This measure, following on from the introduction a year earlier of ‘second probation’ - initiated, as we have seen, in order to isolate the ‘vicious’ – and directly preceding the arrival of the star class a year later, can be seen as part of a three-pronged assault on contamination. Convict administrators and officials had long viewed Sunday exercise as the problem’s locus. In 1863, Jebb, though he thought its extent exaggerated by convict prison governors, had conceded to the Grey Commission that ‘the worst period [governors] have to contend with is when the men are at exercise on Sunday’. This, according to warders, was ‘the most dangerous time’.[245] In his evidence to the Kimberley Commission, Captain William Stopford, a retired Convict Director, described

[241] *Kimberley*, q.5435, p.435. Asked whether he ‘would prefer having to walk with some notorious criminal, and taking the chance of his conversation’ than exercise in single file, ‘C.D.’ confirmed that ‘[m]ost decidedly’ he would, ‘because no communication is permitted during the week. It is only known to those who have experienced it what a terrible punishment it is.’ q.5434, p.435.
[242] Callow, *Penal Servitude*, p.179.
[243] *Kimberley*, qq.11914-7, p.949.
[244] *RDCP 1878*, p.420.
[245] *Grey*, q.292, p.296.

exercise in pairs as 'the source of a great deal of mischief', explaining that the 'contaminating influence of bad prisoners marching about on Sunday afternoon and talking to each other is very great'.[246] Among the benefits of single-file exercise, the suppression of 'filthy talk' was viewed as no less important than that of criminal pedagogy. At Portland, Clifton reported

> the well-disposed men expressed their appreciation of the system, and even while it was being gradually introduced, applied personally to me to be placed on the same, assigning as a reason that they were in a better position to attend to their devotional duties on Sundays, without having their minds disturbed by the disgusting matters too frequently broached by their companions while at exercise.[247]

Du Cane, similarly, noted that for convicts who 'possess a wish to cultivate a higher tone of mind than is common among prisoners of the class that fills our convict prisons,' it was 'found to be very welcome to be absolved from the necessity of holding intercourse with their fellow prisoners.'[248] The attractions of the new arrangement for certain convicts were plain. According to the governor of the new convict prison at Borstal, near Chatham, which opened in 1874, not only would the 'habitual criminal' henceforth be 'prevented from exercising a contaminating influence on others less depraved', but first offenders, 'including, if I may use the term, the more respectable prisoners,' would be 'kept from that association which many of them find to be one of the greatest trials of their prison life.'[249] Indeed, when exercise in pairs was reintroduced in 1896, Nevill noted that '[m]any prisoners of the better class distinctly object to it - for obvious reasons'.[250]

Had such men been permitted to choose their exercise companions, it would no doubt have been a different story. 'C.D.' recalled that at Brixton (until 1880, a 'light labour' convict prison), where he had spent three years before transferring to Chatham, convicts had been allowed to do just that: 'usually as the men were mustered the officers understood that prisoners selected their companions,' he told the Commission, with the result that 'prisoners of the same class generally associated together' (it is clear that 'class' refers here to former social rank rather than classification according to the 'marks' system).[251] Clifton, conversely, attributed Portland's 'large number' of single-file volunteers to the fact that convicts were

[246] *Kimberley*, qq.12263-5, pp.982-3.
[247] *RDCP 1878*, p.345.
[248] *RDCP 1877*, pp. vi-vii.
[249] Ibid., pp.2-3.
[250] Nevill, *Penal Servitude*, p.224.
[251] *Kimberley*, q.5435, p.435.

'not allowed, of course, to select their companions, and a good man may be placed alongside an indifferent one.'[252] Both 'C.D.' and Stopford favoured relaxation of the single-file rule for 'well conducted men', the ex-convict under the proviso that these should be 'permitted to select their companions of the same class', the former director explaining that rather than 'men who are well conducted in regard to discipline' he would 'go more by the class of men.'[253] But when Kimberley proposed that exercise in pairs could in that case be confined to convicts 'selected by the governor whose antecedents were tolerably good', Stopford, though he agreed that 'the principle is good', raised 'the difficulty to be borne in mind of favouritism.' For this reason, he explained, '[i]t is very difficult to classify convicts in respect to their privileges'. Put simply, 'the danger [was] of one rule for the educated and one for the uneducated', and he was 'greatly in favour of having one set of rules for all offenders.'[254] Similar objections, as we shall now see, were raised with regard to the proposed classification of convicts according to their antecedents, or even variation in their punishment. These proposals the Kimberley Commission would ultimately reject in favour of first-offender classification, with 'gentleman convicts' playing no little part in its decision.

## 'Gentleman convicts' and the Kimberley Commission

To insist that fundamental distinctions could and should be drawn between 'accidental' and 'habitual' offenders was to challenge the principle of uniformly applied punishment. Recognition of heterogeneity within the convict population, however, led logically to the idea that punishment should be varied to suit different types of prisoner. 'G.H.', for instance, condemned a system that 'subjects all to a Procrustean process, treating men of the most opposite characters and antecedents alike'. 'In determining the amount and kind of punishment inflicted,' he argued, 'the case of each criminal must be carefully investigated and considered'. Those judged capable of reform would be 'sent to a special prison where the general rule should be solitude', while 'incurables' would be banished permanently to an overseas penal colony.[255] Similarly, 'a Ticket-of-Leave Man' prescribed three or four years in separate confinement for all prisoners serving a first sentence of penal servitude, 'accompanied by good educational, moral, and religious training'. 'Incorrigibles', on the other hand, would be put to work 'in a coal-mine, with an occasional taste of the "cat" as an

[252] Ibid., q.2209, p.165.
[253] Ibid., q.5436, p.435, q.12265, p.982.
[254] Ibid., qq.12266-9, q.12273, p.983.
[255] Anon., 'Convict System', p.419, pp.421-2, pp.427-8.

incentive to industry', followed by permanent exile to a penal colony under military law.[256] Giving evidence to the Kimberley Commission, several prison officials echoed these proposals. Noott, for instance, thought it 'very desirable' that 'men of the superior classes' should remain in separate confinement throughout their sentence, provided they received additional exercise and visits, a regime also favoured by Morrish for all first offenders, along with increased remission and a modified 'marks' system for those belonging to the 'hopeful class'.[257] Griffiths favoured abolishing the separate stage, but told the Commission he 'would make a difference in the case of persons who had committed their crime through a lapse, of superior intelligence and better disposed than the others.'[258]

As much as fear of contamination, concern that penal servitude bore more heavily on some prisoners than others lay behind such proposed reforms. As Griffiths later observed, 'a prison to one who has always fared roughly often proves a paradise; to the more delicately nurtured it is simply hell'. Moreover, 'if the short-term prison is irksome, the convict prison is infinitely worse.'[259] Addressing this issue in a letter to the Commission, Richard Harington, a Worcestershire magistrate, argued:

> When a director of a joint stock company commits a fraud, or a banker's clerk embezzles or forges, he commits, no doubt a grave and most serious crime deserving of condign punishment. But … although his crime may be equal to, *it is not worse* than, the act of brutal violence or wanton mischief committed by the vagabond. Why then should he be tortured while the other is merely punished?[260]

Such perceived injustice was a common theme of prison memoirs. In an 1883 account of his year as a prisoner in the Middlesex House of Correction, for instance, Donald Shaw, a former army officer, comparing a 'gentleman' to a 'costermonger', observed that the former 'has to battle with the mind, conscience, remorse, shattered prospects, loss of caste, a blighted future, food, clothing, surroundings, all inferior to what he has been accustomed to; to submit, moreover, to be addressed by inferiors in a tone of authority, besides a hundred-and-one other humiliations'. The latter, by contrast, 'finds himself amongst friends, is better clothed, fed and housed than if he were at home'.[261] Twenty years later, the journalist George Griffith

[256] Anon., *Convict Life*, p.2, p.242, pp.244-5.
[257] *Kimberley*, qq.10871-4, p.861, q.2821, p.234, qq.2832-9, p.236.
[258] Ibid., qq.3216-20, p.273.
[259] Griffiths, *Secrets*, p.78.
[260] *Kimberley*, q.11707, p.931.
[261] Shaw, *Imprisonment*, p.195.

(from whom we shall hear more in Chapter 3) noted that penal servitude's 'very real and very severe punishment' lay in 'the transition from the club, the drawing-room, the theatre, and the familiar place of business to the prison cell … the stone-quarry and the dismal exercise-ground'. As such, he argued, it 'only falls upon a class which, in one sense, least deserves it'; recalling a man sentenced to ten years, 'who once occupied the position of a gentleman', he reflected that 'in such a case … the mental torture must be quite unspeakable'.[262]

Such 'torture' was understood to be spiritual as well as material. Penal servitude, Callow wrote,

> falls very unequally upon different classes. To a large number of criminals it is merely so many years being shut up in prison, restricted from doing their own will, and being compelled to labour, to a certain extent, whether they like it or not. To the man of good position, it is moral death accompanied with ruin and disgrace to his family and relatives.[263]

Far worse, then, than a convict prison's material discomfort was the disgrace of conviction itself. For 'casual' offenders, as 'G.H.' observed, 'the physical privations entailed by their sentence are trifling in comparison with the fact of having received a sentence at all'. A convict of the 'habitual class', on the other hand, 'has no feeling of disgrace; he has lost no caste for he has none to lose'.[264] A generation later, Balfour made the same point: a first offender like himself, he wrote, 'suffers from a sense of humiliation, degradation and remorse such as is quite unknown among habitual criminals.'[265]

'Moral death' aside, when it came to performing heavy manual labour, 'gentleman convicts' were again at a distinct disadvantage. As 'a Ticket-of-Leave Man', passed fit for 'ordinary hard labour' by a doctor at Portland, recounted,

> All the previous exercise of which I had partaken had been for amusement. I once won the silver sculls in a sculling match at Henley; I had taken some tolerably rough horse exercise in my time in different parts of the world; and I could handle a rifle as well as

[262] Quoted in Nevill, *Penal Servitude*, p.219.
[263] Callow, *Penal Servitude*, p.365.
[264] Anon., 'Convict System', p.413, p.418.
[265] Balfour, *Prison Life*, p.366.

> most civilians; but up to now I had been a total stranger to the pick and shovel, and to the wheelbarrow.[266]

He 'resolved to make the best of it and try to do my duty', but lasted only four months before reassignment to lighter work. In 1875, calling in Parliament for the establishment of a royal commission on penal servitude, Charles Stewart Parnell had observed that 'the question of the effects of labour on public works upon persons of different classes … had never been satisfactory [*sic*] dealt with', and that '[h]ard labour was much more severe upon a man of education not accustomed to physical exertion than upon a working man'.[267] Kimberley would hear similar arguments from senior convict officials: Millbank's governor, Captain W. Talbot Harvey, told the Commission that he was 'certainly … of the opinion that the punishment to a man of education, who has never been accustomed to hard labour, is far more severe than to a navvy', while Clifton claimed that in sending 'educated men … on to the public works to dress stone and so on, you render them unfit for the position which they have held in life … their hands are injured and their minds lessened in power for intellectual employment.'[268] 'A.B.', another former convict giving evidence to the Commission, had received eight years' penal servitude for forgery but spent just three months at Portsmouth convict prison before his permanent transfer to an invalid station. Asked whether he would 'propose that a different and lighter class of work should be given to men like clerks and men who have not been accustomed to hard work', he replied that it should 'because the work kills those men. … You will find that a great number of those men are soon in hospital.'[269]

This dramatic assertion was borne out by convict prison medical officers. In 1871, for instance, Portland's MO had 'found by careful investigation, that educated men of sedentary habits suffer far more in health from imprisonment than do the uneducated of the labouring class' and that '[t]he number of deaths are greater in this class than in the other.'[270] Such glaring disparity in the impact of penal servitude was of evident concern to Kimberley. Having confirmed that the punishment was indeed 'very much lighter' for an agricultural labourer than for a 'clerk or a shopman', he asked Griffiths whether it 'might … not be proper to alter it by not sending every man to work on the clay?' When Griffiths pointed out the administrative difficulties this would present, Kimberley reminded him: 'Our object … is

[266] Anon., *Convict Life*, pp.79-80.
[267] HC Deb 13 July 1877 vol. 235 c.1270.
[268] *Kimberley*, q.910, p.76, q.2229, p.167.
[269] Ibid., q.5032, p.407.
[270] *RDCP 1870*, p.184.

that punishment should be equal. If, as you have stated, it is unequal, is it not possible to devise some system by which it can be made less so?'[271] (The problem, Griffiths explained, was that all convicts would then claim to have been clerks or shopkeepers.)

Proposals to extend separate confinement (under ameliorated conditions) in lieu of public works labour aimed to redress such imbalance. Given a choice between the two regimes, Stopford had 'no doubt the better educated man would prefer the separate confinement.'[272] It would also, of course, have spared such men the 'loathsome' company of fellow convicts. As Jebb had explained to the Grey Commission, 'educated' convicts, as a rule, preferred separate confinement to 'being driven to associate with people of bad character and difference in social position.'[273] To avoid this, Callow admitted, 'I would willingly have spent my whole time [in separation] at Millbank'.[274] 'Educated' convicts were also believed better suited than their fellows to separation's rigours. 'G.H.', among others, advocated three years' separate confinement for first offenders in lieu of five years' penal servitude (sentences seen as equivalent due to the supposedly greater severity of the former, coupled with the possibility of early release from the latter).[275] He believed that 'persons belonging to the educated classes will stand it better than the lower classes, because they have mental resources and they have not the same gregarious instinct…as ordinary thieves and habitual criminals'. He was, however, forced to concede Kimberley's point that 'an uneducated man [would] be enfeebled and less able to earn a living after 3 years close confinement than if employed on public works'.[276]

Were the alternative sentence applied, then, not to those guilty of particular crimes such as embezzlement and fraud, but instead to first offenders per se, the principle of equal punishment would again have been compromised, though now in relation to the disproportionately damaging effect that lengthy separate confinement might have on, say, an agricultural worker. In his *Westminster Review* article, 'G.H.' had stressed that his proposed reform would entail 'no suspicion of class legislation'.[277] Now he was forced to qualify this assertion, explaining to Kimberley that

[271] *Kimberley*, qq.3424-8, p.288.
[272] Ibid., q.12286, p.984.
[273] *Grey*, q.259, p.15.
[274] Callow, *Penal Servitude*, p.133.
[275] *Kimberley*, par.75, p. xxviii, q.8837, p.715.
[276] Ibid. pp.897-8, q.11370, q.11375.
[277] Anon., 'Convict System', p.424.

> I do not think that the majority or anything like the majority of what I have described as the casual class do belong to that class of society; the majority of them are either persons belonging to what may be called the educated classes, or mercantile clerks and the like, who are certainly not accustomed to much open air exercise.[278]

The proposal therefore amounted to different punishment for the 'educated' and the 'uneducated', the former repenting in austere seclusion while the latter toiled 'on the clay'. Such a recommendation plainly wouldn't wash with the public. As one commissioner, the brewing magnate and Liberal MP Samuel Whitbread, put it to 'G.H.':

> If a labourer and a clerk were both at the same assizes tried for the same description of offence, and the judge passed sentence thus; here is an educated gentleman, three years' imprisonment under the new law is the right sentence for him, five years' penal servitude is the right sentence for the labourer, do you think in such a case that the friends of the labourer or the outside public would think he had been justly treated?[279]

It was left to Sir Robert Lush, the Commission's next witness, to bury the proposal, and with it the prospect of punishment varied to suit different types of criminal or, indeed, different social classes. When it was explained to him that the purpose of varying punishment would not be to imprison, merely for the sake of it, the 'uneducated man' for longer than his 'educated' counterpart, but rather to ensure that the latter was 'punished in a way which he would feel in a manner corresponding to the way in which the uneducated man feels his punishment', Lush responded unequivocally: 'I think that is wrong in itself, and I think it would be wrong in its bearing upon the public. The public would not understand that distinction; they would think that the rich man was treated in a very different way from the poor man.' For a 'person of education', he explained, 'whatever increased severity there is in the punishment applicable to him is a just retribution, because his position and education make it more criminal in him to do the act; therefore he justly suffers the increased severity.'[280]

This straightforward equation resolved the problem of penal servitude's disproportionate effect. Having squandered the blessings of privilege, the 'gentleman' convict, rather than inhabiting a higher moral plane, was in moral terms *beneath* the 'habitual criminal' and

[278] *Kimberley*, qq.11375-6, p.898.
[279] Ibid., q.11412, pp.901-2.
[280] Ibid., qq.11704-5, q.11710, pp.930-1.

therefore deserving of harsher punishment. Kimberley agreed, asserting that 'the exact proportion in which [the educated man] suffers the more is the measure of the greater crime he has committed against society'.[281] Articulated in this way, the formula affirmed that, far from being loaded, the scales of justice were calibrated with mathematical precision. Echoing Kimberley, Richard Quinton would later argue that it was 'natural that prison life should be more disagreeable to educated prisoners than it is to ordinary criminals.' Their punishment was 'of necessity much heavier … but surely their responsibility is also greater.'[282] Griffiths, similarly, had '[n]o doubt' that penal servitude 'bears heavily, most heavily, on the gentleman class', but assured his readers that 'very sound reasons, to say nothing of nearly insuperable administrative difficulties, forbid any effort to apportion the incidence of the punishments a little differently.'[283] Pentonville's Reverend Sherwin put it at its simplest: it would, he explained to the Commission, 'look like favouritism to associate all the respectable men who come into prison, such as clerks, medical men, and clerical men … it would look too much like favouritism to put them all in one class.'[284]

Thus, 'gentleman convicts' can be seen to have shaped the Commission's recommendation, though perhaps not quite in the way that some of them would have hoped. In the event, due to sensitivity to charges of class prejudice, the Commission rejected an alternative sentence of imprisonment under separate confinement for first offenders. While acknowledging the proposal's 'undoubted advantage' to the 'less hardened class', who would be 'withdrawn from the danger of contamination by associating with other convicts', it concluded that it was 'not desirable to make so vital a change in our penal system'.[285] At the same time, the 'favouritism' of which Sherwin warned surely swayed its decision to reject a system of classification based on offence.[286] Instead, as we have seen, its remedy for contamination was blunter, yet more egalitarian. Emphasising that the punishment of men assigned to the division it proposed should not 'differ in any respect from that undergone by other convicts', the Commission added that it 'would strongly deprecate any difference being made in their treatment.'[287] When, over a year later, the first draft of star men arrived at

[281] Ibid., q.11706, p.930.
[282] Quinton, *Crime and Criminals*, p.72, pp.213-4.
[283] Griffiths, *Secrets*, p.78.
[284] *Kimberley*, qq.5239-40, p.422.
[285] Ibid., pars.75-6, p. xviii.
[286] Ibid., par.78, p. xxix.
[287] Ibid., pars.78-9, pp. xxix-xxx.

Chatham from Millbank, the order accompanying them directed that they 'be treated like all other convicts'.[288]

The degree to which this injunction was observed will be examined in the study's later chapters. So too will the 'gentleman convict', a continued presence within the star class throughout our period, social class, far from being exorcised by the Commission's egalitarianism, now finding expression in its recommended form of classification. Its various purported benefits notwithstanding, a sense remained that the star class served not least to protect 'gentlemen' from the 'loathsome' company of 'old thieves'. Writing in 1914, Ruggles-Brise acknowledged as much, albeit obliquely. When visiting convict prisons, he observed, prison administrators from other countries would 'express, at times, surprise at the absence of any provision for the special treatment of prisoners of a superior social class.' This, he confirmed, was indeed the case; besides, such a prisoner 'would, probably, not find it conducive to his comfort to affect any airs of superiority on account of his previous position in life'. There was, however, 'a much more valuable system of classification … at hand in the shape of the "Star Class", which enables a Governor, after enquiry into a prisoner's antecedents, to recommend his entire segregation from those morally his inferiors.'[289] Upon this, at least, the 'gentleman convict' could rely.

## 'Filthy conduct'

The form taken by such enquiries will be explored fully in the following chapter. But before we turn to the manner in which the Commission's recommendation was implemented, there remains its caveat that first offenders who had 'committed certain crimes … would be obviously unfit' for assignment to the division it proposed. As we have seen, its report gave as an example 'a receiver of stolen goods who had escaped conviction during a long career of crime', adding that '[m]en guilty of unnatural crimes and indecency would also, of course, not be admitted into this class.'[290] In the case of the former, the Commission's reasoning was clear: held responsible for the scale and persistence of property crime in English cities, receivers were the bogeymen of mid-Victorian crime discourse. A specimen wily enough to evade detection would, it was felt, 'be the last man whom it would be desirable to place in contact with the younger and less hardened offenders'. Evidently, the Commission viewed men convicted under the sodomy laws in a similar light. Indeed, Kimberley went so far as to

[288] *RDCP 1880-81*, p. viii.
[289] *RCPDCP*, PP 1914 [cd.7601] XLV, 361 (hereinafter *RCPDCP 1913-14*), p.32.
[290] *Kimberley*, par.79, pp. xxix-xxx.

suggest to Lush that flogging, rather than penal servitude, was a 'a very appropriate punishment indeed for unnatural crimes' insofar as 'the convict prisons would be relieved from the presence of criminals whose association with other criminals is most undesirable'.[291]

The motive for barring such prisoners from the star class was, however, less straightforward than that for excluding receivers. Du Cane had, for a start, expressed confidence in the sheer impossibility of sexual activity taking place in the closely monitored environment of a convict prison, assuring Kimberley that 'our check upon the possibility of anything of that kind is so great that there is no fear of it.'[292] Indeed, such offences were absent from the list of those for which convict prison rules allowed prisoners to be flogged, a lacuna that, as Radzinowicz and Hood suggest, can be taken to indicate official faith in convict chastity.[293] Kimberley, for his part, appears to have shared Du Cane's confidence: separate cells, he asserted, 'may be said to be well calculated to prevent the possibility of such crimes as these.'[294] Both men were nevertheless in agreement that 'the association of such prisoners with others was obviously very undesirable'.[295] But why? Was it simply because their language was, in Clifton's words, 'contaminating even to those that come into contact with them'?[296] This chapter has attempted to reconstruct fully the contemporary meaning and resonance of 'contamination' when employed in a penal context; to conclude this task, its final section now explores further the rationale for the Commission's caveat.

In 1877, two years after the return of convicts from Gibraltar, William Tallack had cited, both in an open letter to Du Cane, published as a Howard Association pamphlet, and in a subsequent letter to Home Secretary Richard Assheton Cross, the 'very grave and important statement' in which the prison's convict superintendent had estimated the extent there of 'unnatural crime'.[297] Worse still, based on recent interviews with a former convict and a serving warder, Tallack had 'reason to fear that even unnatural crime (especially by men with lads) is practised in several convict prisons [and] that some warders have known this to be the case, and have jocularly called certain convicts by female names as having been the objects of unnatural crime.'[298] Giving evidence a year later to the Kimberley Commission, Tallack

[291] Ibid., qq.11651-3, pp.925-6.
[292] Ibid., q.406, p.34.
[293] Radzinowicz & Hood, *Penal Policy*, f.n.15, p.554.
[294] *Kimberley*, q.2735, p.224.
[295] Ibid., q.407, p.34.
[296] Ibid., q.2231, p.168.
[297] Tallack, *Convict Prisons*, p.17; idem. to Cross, 19 June 1877, quoted verbatim in *Kimberley*, q.2719, p.220.
[298] Tallack, *Convict Prisons*, pp.16-7; *Kimberley*, q.2714, p.219.

again raised the Gibraltar superintendent's final report, insisting that what amounted to an official admission of 'unnatural crime' at Gibraltar indicated a strong possibility of its commission in domestic convict prisons. Prior to Gibraltar's closure, he had read 'exactly similar denials and alleged proofs … that unnatural crime could not occur there' as those he now received in respect of domestic prisons.[299] Kimberley, in response, pointed to 'improved' prison infirmaries, the cessation of associated accommodation at Dartmoor, and to the wisdom of convict prison 'sleeping arrangements' in rendering 'such crimes as these' impossible.[300] This Tallack conceded, but he maintained that associated labour provided convicts sexual opportunity. Prevention depended on the vigilance of warders, and if those at Gibraltar could on occasion neglect their duties, or even be suspected of turning a blind eye, then the same was true of their English counterparts. How, he had asked Cross, could a single warder fully observe an 'L'-shaped indoor workshop or adequately supervise 'men excavating on different levels, but just above and below each other, and others mixed up and between and behind waggons'? When he considered warders' 'long hours … and the large parties which many of them have to overlook, and the going home of the men at dusk, and the various ins and outs of prisons', he could not 'get rid of a lurking fear' that sex was possible in domestic convict prisons.[301] The only solution – one that Tallack, swimming against the tide of late-Victorian penal reform, would stubbornly advocate until his retirement in 1901 – was separate confinement throughout a convict's sentence, regardless of its length.[302]

Were Tallack's fears groundless? Or did convict-prison 'filth' transcend 'talk' to encompass sexual behaviour, however furtive or infrequent? Of the latter, in contrast to the former, we are vouchsafed only very occasional, inconclusive hints. '[A] Ticket-of-Leave Man' informed his readers of the 'thief class's' '*penchant* for horrible vices, which I regret to say they get opportunities to commit, even in what are called "separate prisons."'[303] Davitt warned the Commission that 'old gaol birds should on no account be allowed to associate with young boys'; he had 'noticed what I should almost be ashamed to mention, attempts made even in chapel.'[304] But what, precisely, was attempted, and how, remains obscure. According to 'a Ticket-of-Leave Man', an irreverent atmosphere prevailed in the schoolroom at Portland (prior to drastic curtailment of mandatory education in 1877), which was no doubt

[299] *Kimberley*, qq.2719-20, q.2725, pp.220-3.
[300] Ibid., q.2731, qq.2734-5, p.224.
[301] Ibid., q.2719, p.221, qq.2725-6, p.223-4.
[302] E.g. *Howard Association Report* (1895), p.9.
[303] Anon., *Convict Life*, p.16.
[304] *Kimberley*, q.6590, p.534.

replicated during chapel services: '[d]isgusting conversations were indulged in', he recalled, 'and many [convicts] were making disgusting and licentious drawings on their slates, and showing them to their pals.'[305] The description will strike a chord with any reader unfortunate enough to have taught a class of unruly schoolboys: in such an environment, obscene gestures were no doubt common, possibly accompanied by acts of exhibitionism. Probably the most graphic account of such behaviour is to be found in a 1903 memoir by 'Convict 77' (whom we heard from earlier writing as 'No.7'), which refers at some length to a 'simply disgraceful' incident of 'indecent exposure' involving two prisoners at Wormwood Scrubs, made possible via an 'aperture' in lavatory partitions.[306]

At the same time, we should remember that, as with language, behaviour described as 'filthy' was not necessarily sexual in character, and might today be seen as unremarkable. Donald Shaw, for instance, gave spitting and failing to use a handkerchief as examples of the '[m]any habits usually looked upon as filthy' that his fellow prisoners 'freely indulged in'.[307] Thus, when 'a Ticket-of-Leave Man' describes George Bidwell as a man whose 'habits are of the most filthy and disgusting character', his precise meaning is impossible to gauge.[308] Callow had refrained in his memoir from detailing 'very disgraceful scenes [that] occurred even in chapel' as this would 'only distress and shock the reader.'[309] But when pressed by Kimberley, he explained that the 'very horrible thing' had merely involved a convict 'of notorious character' mocking the communion sacrament; a description of the incident had been cut from the volume at his publisher's advice. Notwithstanding his assertion that readers would 'cast aside the book with horror and disgust' had he recounted certain convicts' 'conversations and acts within the prison walls', Callow confirmed to the Commission that he himself had never witnessed 'indecent overtures made by one prisoner to another anywhere in the prison'. He had 'heard of such things taking place but [did] not believe it'.[310]

Sexual activity between convicts aside, masturbation – again virtually unmentionable - might also have formed an element of convict-prison 'filth'. Noting that the facility for communication provided by Portland's corrugated iron cells was 'not the greatest evil

[305] Anon., *Convict Life*, pp.174-5.
[306] Anon., *The Mark of the Broad Arrow; or The Life of A Convict by No.77* (London: R.A. Everett, 1903), pp.212-3.
[307] Shaw, *Imprisonment*, p.187.
[308] Anon., *Convict Life*, p.108.
[309] Callow, *Penal Servitude*, p.208.
[310] Ibid.; *Kimberley*, qq.11983-4, p.954.

connected with them', 'a Ticket-of-Leave Man' warned that a 'very large proportion of prisoners belong to that class who "love darkness rather than light, because their deeds are evil," and these dark cells are a cover for all sorts of immorality and indecency, about which I cannot be more communicative'.[311] To Radzinowicz and Hood, this 'sounds suspiciously more than self-abuse', even though, as Tallack had had to concede, under conditions of cellular separation, anything beyond 'self-abuse' would have required considerable daring and ingenuity.[312] A quarter of a century later, Balfour was only marginally less circumspect in addressing 'the evils, physical and moral' of separate cells. These could, he wrote, 'only be hinted at, not said outright', but had

> been allowed to grow and spread through the reluctance of right-minded men to deal with them, and through the impossibility of their adequate discussion in the Press. Every doctor, every school-master, every ship's captain, every city missionary and worker in the slums will recognize the gravity of this problem, and will recognize that it ought to be faced.[313]

Returning in a later chapter to the 'the evils attending the isolation and idleness of close confinement', he noted that the 'man of education often succumbs to them as fully as does the most ignorant of agricultural labourers'.[314] There is, of course, a distinct irony in the fact that separate cells, promoted, as we have seen, as a means of preventing sex between convicts, could at the same time be held responsible for their inclination to masturbate.

Beyond the prevalence of obscene conversation and masturbation, however, coupled with incidents of exhibitionism and occasional bouts of hurried sexual congress, there was another sense in which the sexualised world of the convict prison would have been regarded as 'filthy'. Nineteenth-century English society was at its core patriarchal, characterized by an array of closely bonded, exclusively male associations, among them professional and trade associations, friendly societies, political organisations, university colleges, sports clubs, gentleman's clubs and workingmen's clubs. Within this 'masculine sphere', camaraderie was fostered and sexual desire prohibited, and the boundary between male friendship and sex between men strictly policed.[315] Convict prisons were also exclusively male, though here

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[311] Anon., *Convict Life*, pp.160-1.
[312] Radzinowicz & Hood, *Penal Policy*, f.n.15, p.554.
[313] Balfour, *Prison Life*, p.181.
[314] Ibid., p.219.
[315] John Tosh, *Manliness and Masculinities in Nineteenth-Century Britain: Essays on Gender, Family, and Empire* (Harlow: Pearson Longman, 2005), p.38; see also Eve K. Sedgwick, *Between Men: English Literature and Male Homosocial Desire* (New York: Columbia University Press, 1985), p.3, p.25; R.J. Morris, 'Clubs,

male companionship was not voluntary but mandatory, and their population included men convicted specifically of offences involving sex with men. The mere presence of such prisoners, irrespective of their words or actions, would have been sufficient to compromise every male relationship within a convict prison, tarnishing its entire population. In this way, men convicted under the sodomy laws would, in and of themselves, have been viewed as a source of contamination.

They were, according to 'G.H.', drawn 'chiefly from the ranks of the uneducated', their offence 'evidence of a peculiarly degraded and brutal nature'.[316] Similarly, Western Australia's governor, as we have seen, regarded any man 'convicted of unnatural crime or bestiality' as a 'brutalized being'.[317] The distinction between sodomy and bestiality, which were prosecuted alike under the same Tudor statute, was not always as straightforward as might be imagined; indeed, the terms were often used interchangeably.[318] For some, all 'unnatural' offenders were cut from identical cloth: Clifton, for instance, recalled hearing 'what a young man intended doing as his first act on coming out of prison, which showed me that that man had come into contact with men who had committed unnatural crimes, not only with beasts but with men.' The prison's chaplain, he added, had been 'shocked' that a prisoner who had 'committed sodomy, and then … bestiality with an ass' could describe the offences as 'trifling'.[319] Sex between men was, then, associated with low social status, ignorance, 'brutality' and 'bestiality' – the latter not only in the sense of sex between men and animals, but of the reduction of men to the condition of animals. It was 'filthy' because it was animal-like: unthinking, uninhibited and unrestrained.

'Habitual criminals', as we have seen, were characterised in much the same way. For Callow, 'the class known as *roughs*' were 'as cowardly as they are brutal – their animal instincts and propensities predominate to the almost total exclusion of any intellectual or human feeling'. Such convicts were mere 'brutes', and 'as brutes only can they be punished and coerced, and that is by the Lash.'[320] 'G.H.' concurred: 'a large proportion of the worst class of criminals', he wrote, were 'animals, and must be treated as such.'[321] Thus, when 'a

societies and associations', in *The Cambridge Social History of Britain 1750-1950: Volume 3 Social Agencies and Institutions*, ed. F.M.L. Thompson (Cambridge: CUP, 1990), p.395, pp.411-13.
[316] Anon., 'Convict System', p.14.
[317] *Further correspondence*, p.71.
[318] E.g. Winston Churchill as Home Secretary as late as 1910. Radzinowicz & Hood, *Penal Policy*, p.772.
[319] *Kimberley*, qq.2231-3, p.168.
[320] Callow, *Penal Servitude*, pp.208-9.
[321] Anon., 'Convict System', p.430.

Ticket-of-Leave Man' observes that the 'thief-class' have 'a strange disposition to filthiness and dirt in all senses of the words,' 'filth' can be seen to function as a metonym for the bestial; the 'filthiness', that is, of the farmyard animal. Compared to 'professional thieves', he wrote, 'the hog is a sweeter animal by far.'[322] Callow, similarly, observed that 'the thieving and swindling class of prisoners … return to their evil practices like the sow to her wallowing.'[323] As this chapter has attempted to demonstrate, both 'filth' and 'contamination' were broad, slippery and pervasive terms. It is tempting to treat them as synonyms, but instead their relation should perhaps be seen as one of cause and effect: 'filth' was the *substance* that threatened to contaminate. As such, it was essentially indeterminate, and all the more horrifying and revolting for it.

A sense of this is provided (from what may seem an unexpected quarter) by the novelist Ford Madox Ford, writing in 1926, his protagonist a First World War army officer assigned to command a prisoner-of-war camp. 'Even normally,' Ford writes, 'though it was irrational enough, prisoners affected him with the sense that they were unclean. As if they were maggots. It was not sensible, but he knew that if he had had to touch a prisoner he would have felt nausea.' This reaction is prompted by the condition of imprisonment itself, and, with it, reduction to a bestial status: 'What distinguished man from the brutes was his freedom. When, then, a man was deprived of freedom he became like a brute. To exist in his society was to live with brutes, like Gulliver among the Houyhnhnms!'[324] Half a century earlier, 'a Ticket-of-Leave Man' had also reached for Swift, remarking that 'Gulliver's "Yahoos" were cultivated gentlemen' when set beside 'the English professional thief'.[325] Among convict memoirists, as we have seen, his was the most visceral account of contamination, which he seems to have experienced less as moral corruption than physical defilement: recalling the 'thief class' at Portland, he writes that 'the very remembrance of [their] behaviour and language makes my flesh creep.'[326] While there, he had befriended and worked alongside a former factory owner, whose wrongful conviction for arson was eventually overturned, and with whom he had 'tried to escape the contagion of the moral pestilence by which we were surrounded.' Yet, despite having now returned to 'the society of his devoted and pure wife', this man remained haunted by 'the hideous oaths of the gaol-

[322] Anon., *Convict Life*, pp.15-6.
[323] Callow, *Penal Servitude*, pp.374-5.
[324] Ford Madox Ford, *Parade's End* (originally *A Man Could Stand Up-*) (Harmondsworth: Penguin, 1982 [1926]), pp.619-20.
[325] Anon., *Convict Life*, p.16.
[326] *Weekly Times*, 28 December 1879, p.2.

birds', which, 'a Ticket-of-Leave Man' reported, 'still ring in his ears and cause him to shudder at the remembrance of the pollution which was forced upon him.'[327] After 1879, ordeals of this kind would to an extent be ameliorated.

[327] Anon., *Convict Life*, p.25.

## CHAPTER 2: Forming the star class, 1879-1885

The previous chapter drew a distinction between contamination of the world beyond the prison and the contamination within it of prisoners by one another. Walls, defences and remote locations, as well as the post-release supervision of prisoners, were intended to limit the former, while attempts to prevent the latter led to both silent regimes and cellular separation, and to refinements in prisoner classification. Following its introduction in English convict prisons in 1879, the star class followed a similar dual principle: physical segregation protected star men from contamination by ordinary convicts, while a vetting process checked its spread within the division. Measures aimed at the external threat are detailed in the following chapter, while this chapter explores those whose objective was internal.

Following publication in July 1879 of the Kimberley Commission's report, Sir Edmund Du Cane, sceptical that a lack of previous convictions indicated the absence in an individual of a criminal disposition, initiated a system of supplementary background checks on convicts whose status as first offenders made them eligible for its proposed division. This system is mentioned by Radzinowicz and Hood, who, as we shall see, regard it as absurdly restrictive, an assessment that has tended to obscure its importance. Rather than see the star class operating in spite of them - albeit rather feebly, as do Radzinowicz and Hood – the checks should be understood as intrinsic to this form of classification. Indeed, when in 1897 the Convict Service finally issued a Standing Order mandating the star class in both convict and local prisons, six of the order's nine provisions related to background investigation.[1]

Writing in 1885, Du Cane reiterated the system's prophylactic rationale: it was, he declared, 'of the greatest consequence to prevent corrupt and cunning criminals who have evaded convictions, though they have deserved it, from gaining admission into this class and leading the well-disposed among them astray.'[2] In this, he adhered to the logic of contamination: the presence among first offenders of just one 'corrupt' individual – a previously unconvicted receiver, say – could render useless measures taken to segregate them from the general convict population. Hence '[g]reat pains', as Major Arthur Griffiths

[1] TNA PCOM 7/279: *Standing Order (New Series), No.10*. A Standing Order was only deemed necessary in the first place because prisoners, rather than arriving via a local prison (where the majority by now served penal servitude's first stage), were occasionally sent directly to convict establishments, whose governors were therefore required to carry out the checks themselves. Ibid., Clayton to Ruggles-Brise, 8 July 1897.
[2] Du Cane, *Punishment and Prevention*, p.162.

observed, were 'taken to eliminate the black sheep.'[3] The 1897 Standing Order stipulated that 'full inquiries' were to be made into 'the character and antecedents of prisoners sentenced to penal servitude on first conviction', as well as any convict with a previous conviction for a trivial offence or a serious offence committed some time ago. Enquiry forms were to be sent in the first instance to the senior police officer for the district in which a convict had been committed for trial and/or convicted, or, if unknown there, in which he had previously lived. Further information, if required, was to be obtained from individuals referred by the initial respondent and/or 'respectable persons' nominated by the convict himself. Completed forms would then be forwarded, along with a convict's penal record, to the Convict Directors, with whom rested final responsibility for classification.[4]

By the time the order was issued, convict administrators and officials had been following this procedure for almost twenty years. Writing in 1884, Griffiths described the 'special investigation' to which prisoners 'supposed to be convicted for the first time' were subject: 'The police, the clergyman of the parish, all persons who would be likely to know him are written to, and if the result is satisfactory, the prisoner is admitted into the "star class."'[5] 'Sometimes we write to half-a-dozen people', the governor of Woking female convict prison told the Gladstone Committee in 1894, '[t]hen we send the result up to the director, and he decides whether the convict is to be put in the Star class on not.'[6] A quarter of a century later, this procedure remained unchanged, the Inspector of English Prisons confirming in 1919 that a convict's eventual classification depended on 'printed forms of enquiry' sent 'to the police and to any respectable friends'.[7]

An endeavour of this kind might strike us as somewhat quixotic. Rather than classify prisoners on the basis of their age, the type of offence they had committed, or (as after 1967) their risk of escape and potential danger to the public, we see here an attempt to determine the *character* of a convict prior to his offence. As well as his occupation and 'Means of livelihood', an opinion was sought as to his 'Character with regards honesty', 'Character with regards industry' and 'Character with regards sobriety', his 'Class of life', his 'Mode and habits of life', and the character of his friends and associates. Thus, although star men

[3] Griffiths, *Memorials*, p.466.
[4] TNA PCOM 7/279: *Standing Order (New Series), No.10*., pp.2-3.
[5] Griffiths, *Memorials*, p.466.
[6] *Gladstone*, qq.4817-8, p.63.
[7] N.G. Mitchell-Innes, memo prepared for 1919-20 Indian Jails Committee, quoted in Hobhouse & Brockway, *English Prisons*, f.n.5, p.318.

continued to be described (as, for the sake of concision, they are in this study) as 'first offenders', the designation was something of a misnomer: as we shall see, many more men convicted for the first time were rejected from the star class than were ever assigned to it. Instead, we might think of star men simply as those prisoners who successfully passed the Convict Service's background checks. Some forty years after the Kimberley Commission's recommendation, we find one of Du Cane's successors defining a star man not as a prisoner 'against whom no previous conviction of any kind is recorded', but simply one 'whose previous character has been good'.[8] Thus, despite the Commission's best intentions, classification came to be based on grounds less hard-and-fast than arbitrary, the new system essentially functioning as a form of post-trial character assessment.

Conducted over decades and with respect to many thousands of prisoners, this amounted to a vast undertaking. By March 1881, 3,600 checks had already been carried out, resulting in 380 star-class admissions.[9] Inevitably, the task was magnified greatly after 1897, following the extension by Du Cane's successor, Evelyn Ruggles-Brise, of first-offender classification to local prisons (as discussed in Chapter 4). A year later, over 60,000 newly sentenced prisoners had been investigated, resulting in around 12,000 admissions, 'a work of considerable magnitude' in which police forces provided their 'cordial and valuable assistance'.[10] As 'the necessary information [was] often not easy to arrive at', multiple references were frequently sought. The fruits of such 'exhaustive enquiries', as the Inspector of Prisons acknowledged, could be 'confused and misleading unless carefully sifted', requiring 'considerable clerical work'.[11] Convict administrators (and, after 1897, prison administrators in general) appear, then, to have fully embraced the logic of contamination, carrying out background checks diligently and conscientiously.

Prison memoirs afford occasional glimpses of the procedure from the convict's point of view. Tom Clarke, for instance, later the hero and martyr of the 1916 Easter Rising, had received a life sentence at the Old Bailey in 1883, following arrest in London in possession of explosives. He recalled that '[a] day or two after having been sentenced', Millbank's governor (who would at the time have been Captain Harvey) and its Chief Warder 'came to my cell [and] explained the separation of convicts into two classes.' The 'Habitual Criminal

[8] *RCPDCP*, PP 1923 [Cmd.2000] XII Pt.2, 379 (hereinafter *RCPDCP 1922-23*), p.27.
[9] *RDCP 1880-81*, p.290.
[10] *RCPDCP*, PP 1898 [C.8998] XLVII, 23 (hereinafter *RCPDCP 1897-98*), p.18.
[11] *RCPDCP*, PP 1900 [Cd.380] XLI, 1, p.31; *RCPDCP*, PP 1904 [Cd.1800] XXXV, 1 (hereinafter *RCPDCP 1902-03*), p.34.

Class', Harvey informed Clarke, were 'a bad lot – bad in almost every respect – and not at all the class of individuals that I would wish to associate with for the remainder of my life' (an assessment that he reckoned 'was not far out').[12] But before Clarke, convicted under an assumed name, could be assigned to the star class, Harvey required 'a guarantee from two reputable citizens' as to his first-offender status. Suspecting a ruse to extract information, he refused to provide names, yet upon transfer to Chatham found himself nevertheless placed among the prison's first offenders, 'although no friend or acquaintance of mine had vouched for me'. This was probably to assist the day-to-day management of the Chatham's treason-felony convicts (discussed in the following chapter), the remainder of whom Clarke now discovered 'wearing … the Red Star'.[13] A similar request was refused by the prison memoirist Frederick Martyn, a university-educated gentleman of independent means, sentenced in 1908 to eighteen months' imprisonment for obtaining money by false pretences. Misidentified by the police as 'an old criminal', Martyn sought admission to the star class and was asked by a clerk at Wormwood Scrubs for "the names of your last two employers, and any other references as to respectability you may be inclined to offer". To this he replied, "I can't refer you to employers because I've never been in the position of having an employer … and as to furnishing you with references, the idea is too absurd for me to entertain it for a moment."[14] As a result, he remained with 'the most hardened offenders that the prison contained', whom he judged 'more lively companions' than its star men.[15]

The clearest picture of the star-class selection process is, however, provided by surviving convict licences, which include completed and returned enquiry forms. It is upon these that this chapter is largely based. The most recent surviving licences are for convicts released in 1887 – sentenced, that is, no later than 1884 to penal servitude's five-year minimum term and serving at least three years – and thus provide evidence of the extent, not only of individual investigations, but of the process carried out with regard to all putative first offenders during the star class's early years. Beyond 1884, as published sources already cited in this chapter indicate, similar rigour appears to have been maintained.

As well as the selection process itself, this chapter examines the various criteria and caveats to which classification was subject, and the way in which these shaped the star-class population as a whole. It then looks at the 'demotion' and 'promotion' of individual

[12] Thomas J. Clarke, *Glimpses of an Irish Felon's Prison Life* (Dublin: Maunsel & Roberts, 1922), pp.96-7.
[13] Ibid., p.97-9.
[14] Martyn, *Holiday*, p.160, p.158.
[15] Ibid., p.156, p.160.

convicts, post-classification, and the question of whether the star class should be seen as merely a preventative or, rather, a genuinely reformatory form of penal practice. The chapter concludes by asking whether background checks succeeded in their explicit aim of excluding from the division expert criminals. Before that, however, the following section details the official response to the Kimberley Commission's recommendation in the immediate aftermath of its report, and the manner in which a system of classification based, as it had proposed, on a rigid first-offender qualification evolved swiftly into something rather different.

## Initial steps, October 1879 - February 1880

The Commission's recommendation, as we saw in the previous chapter, bore the caveat that, regardless of their status as first offenders, 'prisoners who have committed certain crimes … would be obviously unfit' for assignment to the new division. Beyond this, the Commission felt that the Directors' 'full discretion to remove a prisoner from this class whenever they deemed it expedient' would be 'essential to the useful working of the plan'. This might prove necessary in cases of misconduct, or if convicts 'were found to be actually exercising a pernicious influence on their companions'.[16] Du Cane and Home Secretary Richard Assheton Cross concurred, the latter confirming in October 1879, in a memo to his Permanent Secretary, Adolphus Liddell, that a convict could be removed from the division 'for the safety of the rest'.[17] This prerogative, according to Du Cane, though 'clearly one involving very great responsibility', was nonetheless 'essential to the success of the system'. He could, he added, 'only hope that it may not often be necessary to exercise it.'[18] Cross, however, went further than this, suggesting that 'prisoners who may once have been convicted years ago, & prisoners who may have been convicted of the most trivial offences, say nominal manslaughter' should, for the purposes of classification, be regarded as first offenders.[19] Du Cane assured him that prison governors and chaplains would be able to alert the Directors to such cases.[20] Thus, within months of the Commission's recommendation, and before any concrete steps had yet been taken to implement it, a strict first-offender qualification for the proposed division had already been loosened.

[16] *Kimberley*, par.79, p. xxix.
[17] TNA HO 45/9557/70327C: Cross to Liddell, 3 October 1879.
[18] *RDCP 1878*, p. ix.
[19] TNA HO 45/9557/70327C: Cross to Liddell, 3 October 1879.
[20] Ibid.: Du Cane to Liddell, 29 November 1879.

For his part, Du Cane's principal misgiving with regard to the recommendation was that convicts he described as 'great masters and leaders in crime' might find their way into the division and contaminate it from within. As he had explained as early as 1877, 'it is not by any means the case that prisoners with few or no previous convictions are necessarily among the least corrupted, or that they can be relied upon not to exercise a corrupting influence on others'. Rather than 'an absence of criminal instincts and practices', a first conviction might evince nothing more than 'a successful evasion of the penalties of the law'.[21] The Commission had itself been alert to the possibility that 'men who have lived a life of crime will occasionally be found among the hitherto unconvicted offenders'. But as such prisoners could subsequently be removed from the division, it concluded that this would not be 'a fatal objection to the classification we recommend'.[22] Du Cane disagreed, arguing in a memo to Liddell in November 1879 that as 'many of the most dangerous and corrupting among the convicts have no previous conviction recorded against them', it followed that 'the corrupting influence of communications between convicts as now distributed, would be felt with equal, perhaps greater, truth and force, with regard to any prison containing convicts selected solely as not having been previously convicted.'[23]

To prevent this, Du Cane urged the adoption of a 'more searching principle of selection', proposing that 'each case should form a subject of investigation and enquiry from the police and others to whom the prisoner might refer for testimony as to his antecedents.'[24] In the meantime, to gain a sense of the proposed division's scale and make provision for its accommodation, he had surveyed the current convict population, which at the time stood at just over 9,000,[25] finding it to include 2,111 men convicted of a first offence. From this number, in accordance with the Commission's caveats, he subtracted 48 men convicted of receiving and a further 396 who had 'committed crimes of indecency whether before or since conviction' (the rather high latter figure he arrived at by interpreting 'unnatural crimes and indecency' to include not only sodomy but rape, a misunderstanding to which we shall return shortly). In addition to these men were fourteen others judged by prison governors and chaplains to be 'of such bad moral character and such bad antecedents' that their presence in a division of this kind 'would be injurious and contaminating', along with another sixty-five

[21] *RDCP 1876*, pp. vii-viii.
[22] *Kimberley*, par.80, p. xxx.
[23] TNA HO 45/9557/70327C: Du Cane to Liddell, 29 November 1879.
[24] Ibid.
[25] *RDCP 1879-80*, p. xxvi.

guilty of persistent misconduct. This left a notional population of 1,690, though Du Cane predicted that its number would drop further were his proposed background checks to be carried out.

Arguing that entry requirements for the star class were restrictive to the point of futility, Radzinowicz and Hood contrast this figure with the 2,183 prisoners assigned *in total* to the division by 1897.[26] The impression this gives is, however, somewhat misleading in that Du Cane calculated not the number of *newly-sentenced* convicts eligible for the proposed division, but the number among the total convict population who would have been eligible at the time of being sentenced. So, while 16.5 per cent of convicts would, according to Du Cane, have been eligible for the division if sentenced that year, roughly 11 per cent of around 17,000 sentenced to penal servitude between 1879 and 1897 were in the event assigned to the star class.[27] By this measure, star-class selection criteria, though by no means expansive, do not appear absurdly narrow. A precipitous drop in convict numbers during the period (discussed in the following chapter) should also be borne in mind here. Radzinowicz and Hood calculate that little more than 200 convicts a year were admitted to the star class, but this of course represents an average throughout the period. By 1897, the convict population had fallen to less than half its size two decades earlier, and only 717 newly-sentenced male prisoners in total entered convict prisons that year.[28] If around 11 per cent of these became star men, this would have amounted to perhaps only eighty admissions. Conversely, a considerably higher number would have been assigned to the division in the early 1880s; indeed, within its first year, as we have seen, its population already stood at 380.[29]

Having estimated the division's eventual scale, subject to a series of caveats, Du Cane now proceeded with caution. His next step was to suggest that the 'enquiries' he proposed 'might at once be applied' to men serving penal servitude's first stage at Pentonville and Millbank.[30] Cross duly assented, initiating a procedure that would, as we have seen, involve the investigation of many thousands of prisoners in the decades that followed. Three months later, in February 1880, Du Cane again reported to Liddell, informing him that he had produced 'a form of enquiry which should elicit the necessary information respecting prisoners' previous career and character'. He had sent copies of this to local police forces,

[26] Radzinowicz & Hood, *Penal Policy*, p.549, also f.n.92-3.
[27] *RCPDCP 1896-97*, p.13.
[28] Radzinowicz & Hood, *Penal Policy*, pp. 567-8; *RCPDCP 1896-97*, p.108.
[29] *RDCP 1880-81*, p.290.
[30] TNA HO 45/9557/70327C: Du Cane to Liddell, 29 November 1879.

requesting its completion with respect to 111 putative first offenders. If these enquiries drew a blank, forms were then sent to 'other persons, whom these prisoners may refer to as acquainted with their past history', and these respondents asked in turn to provide the names of 'respectable persons who can give trustworthy information'. This process had enabled Du Cane to identify no fewer than forty-five among the 111 as 'bad characters of criminal habits' who were 'likely to contaminate and lead astray men who might otherwise be reclaimed.' To facilitate 'making selection in future', he now sought guidance with regard to a further four 'doubtful' cases.[31] These were then reviewed by Liddell and his principal clerk, A. Maconochie, head of the Home Office criminal division (and the son of Captain Alexander Maconochie, the famed penal reformer).[32] Cross, meanwhile, requested the 'careful observations' of his under-secretary, Matthew White Ridley (himself a future Conservative Home Secretary), 'as to this very interesting experiment'.[33]

Two of the four men were property offenders: John Eccles, aged 38, sentenced at Salford Sessions in May 1879 to five years for embezzlement, and James Mantle, 33, who had received seven years for burglary at Maidstone Assizes in July. Both were thought to have committed other offences: Eccles had pleaded guilty to embezzling £2.8s.6d. from the Bury chemical manufacturer that employed him as a clerk, but was believed to have stolen upwards of £3,000 over a ten-year-period; Mantle was described by his trial judge as a 'habitual burglar', and had been sentenced for a string of domestic break-ins in the vicinity of Gravesend. It was the two men's character and habits, however, as much as their pattern of offending, that attracted scrutiny: Eccles's life, according to his former employer, had been 'very fast, especially in Manchester and at the seaside', while Mantle, though he gave his occupation as an engine driver, was identified by police as a street hawker and former beer-shop proprietor, once employed at a Gravesend pleasure garden.[34] The antecedents of the other two men, John Hickman, a 50-year-old bricklayer from Birkenhead, and John Walsh, a 43-year-old ex-soldier from Chester, both sentenced at Chester Assizes in July 1879, were also considered dubious. Birkenhead police reported that Hickman, whose seven-year sentence for manslaughter followed the fatal stabbing of his landlady's adult son during a drunken quarrel, was 'honest as far as is known' and 'industrious when off the drink', but

[31] Ibid.: Du Cane to Liddell, 9 February 1880.
[32] Jill Pellew, *The Home Office 1848-1914: from Clerks to Bureaucrats* (London: Heinemann, 1982), p.15, p.37.
[33] Liddell and Ridley also discussed a fifth convict named Wakeman, who cannot be identified.
[34] TNA HO 140/46; TNA PCOM 3/615; TNA PCOM 3/679; *Liverpool Mercury*, 28 May 1879, p.3; *Glasgow Herald*, 28 May, 1879, p.7; *Whitstable Times and Herne Bay Herald*, 19 July 1879, p.3; *Kent & Sussex Courier*, 18 July 1879, p.5.

noted that he 'consorts with low public house company'.[35] Similarly, Walsh, who received a life sentence for sodomy (reduced in 1882 to ten years, the term to which his 16-year-old co-defendant had also been sentenced), was acknowledged by police as honest and industrious but 'lived in a common lodging house' and 'kept low company', his associates 'by no means good'.[36]

The inclusion by Du Cane of the latter case confirms that Kimberley's recommended exclusion of men 'guilty of unnatural crimes' had yet to become, as it shortly would, a firm rule. Unlike Du Cane, however, neither Liddell, Ridley nor Maconochie expressed any doubt with regard to Walsh's classification. Liddell's view was that 'Eccles ought to have a chance among the good [but] I hardly think Walsh ought', and Ridley's, similarly, that 'Walsh as a sodomite should certainly not be classed among those less likely to do harm in association'. Eccles, Ridley thought, 'might … be taken out of the 'bad' list'; Mantle and Hickman, they both agreed, should also be assigned to the new division. Maconochie, too, would 'hardly have classed Eccles among the bad characters[.] He drank, led a fast life & embezzled his master's money but as a convict he may be considered to be of the Superior Class.' Of the other cases, he felt that 'only the one conv[icted] of sodomy would seem to be likely to be objectionable in association.'[37]

Du Cane, in turn, sought further clarification with regard to 'men guilty of unnatural crimes and indecency', having hitherto 'understood that all men convicted of … sodomy … bestial offences [and] rape are to be excluded from the select class'. Such convicts, he observed, were 'a quite different class of men to habitual criminals … guilty perhaps only of their own particular crime and possibly not of that habitually.'[38] Liddell responded by affirming that the Commission's caveat 'should be understood as a rule applying to sodomites, or men convicted of indecency of a sodomitical character.' But he then went on to qualify this, explaining that unless 'very gross [,] the rule need not apply' to cases of 'bestiality with animals', as this offence was 'usually committed by boys or very young men & is of a more usual character'. Moreover, it 'certainly ought not to apply to rape cases except when committed by 2 or more at a time or under circumstances of great brutality.' 'Many a man', he added, 'commits a rape under the excitement of the moment & there is

[35] TNA HO 140/45; TNA PCOM 3/684; *Liverpool Mercury*, 11 June 1879, p.8.
[36] TNA HO 140/45; TNA PCOM 3/768.
[37] TNA HO 45/9557/70327C: Du Cane to Liddell, 9 February 1880, undated margin notes.
[38] Ibid., margin note dated 17 February.

nothing in such an offence wh[ich] renders him unfit for association with *men*'.[39] In this, we see Liddell, in the absence of any other medico-legal yardstick, clutching at a notion of the 'unnatural': it was not 'unnatural' for men to rape women (or, indeed, for adolescent males to molest animals), but rape ceased to be 'natural' if accompanied by excessive violence or committed with a male accomplice. Here, the 'unnatural' was effectively broadened to include not only sex between men, but sex *involving* more than one man. This somewhat eccentric interpretation would, as we shall see, provide the basis for classification in such cases for almost two decades, until finally revised in 1897.

## Selection

Between February and May 1880, newly classified star men held at Pentonville were transferred to Millbank, joining others already there on a confessional basis (the prison was normally reserved for Roman Catholic convicts serving penal servitude's first stage). Corralled until sufficient in number to fill an entire public-works prison block,[40] and then until such a block could be emptied for them, some remained in separate confinement for as long as eighteen months (that is, twice the legally prescribed period).[41] In the meantime, a second star-class contingent was assembled at Pentonville. Finally, at the end of November 1880, star men began to arrive at Chatham, transferred from Millbank in drafts of twenty. Reporting to Du Cane shortly before their departure, Harvey judged their behaviour 'most exemplary': 'They do not scheme,' he observed, 'they do not attempt to best the Officers, they are not acquainted with convict "dodges", they are quiet and orderly in their demeanour, cleanly in their habits, most industrious and anxious to please.'[42]

Harvey sought, however, to manage loftier expectations for the 'experiment', fearing that 'there is an impression abroad that classification will work miracles from a Reformatory point of view.' This would, he believed, 'prove erroneous', due not only to an 'instability of character' found in many star men, which, 'having its origin in an innate weakness … succumbs to ordinary temptations', but to the fact that

> these convicts do not differ from the general run with reference to the view they take of the justice of their sentence. The majority are not impressed with the gravity of the

[39] Ibid., margin note dated 19 February.
[40] Ibid.: Du Cane to Liddell, 29 November 1879.
[41] E.g. sixteen-year-old Henry Pegg, sentenced at the Old Bailey in March 1879 to five years for postal theft, who transferred from Pentonville to Millbank in February 1880 and thence to Chatham in November. TNA PCOM 3/569.
[42] TNA HO 45/9557/70327C: Harvey to Du Cane, 16 November 1880.

> offences they have committed, but impute their conviction to a miscarriage of justice. They view themselves, more or less, as the victims of circumstances instead of being imbued with feelings of contrition or remorse…[43]

It would, therefore, be 'impolitic to clog the work by introducing theories, as to [their] management and treatment'; instead, the aim should be simply to prevent 'men of weak character from deteriorating in the moral scale'. That said, the new system promised to 'render inestimable service' to a 'class of convicts' he defined as those 'whose imprisonment is due to exceptional causes, and who require only a sharp check, coupled with good advice'.[44]

Here we see Harvey drawing a distinction between two kinds of star man. First, there were the new system's explicit beneficiaries, men of 'weak' rather than criminal character (and, as such, all the more susceptible to bad influence). In response to enquiries regarding Alfred Booker, for instance, a 33-year-old postman from Dorking sentenced in June 1882 to five years for stealing a letter containing £2, a local vicar identified him as a decorated veteran of the Anglo-Zulu War, for whom he had obtained upon discharge a letter carrier's position. Blaming the offence on there being no other place for Booker to wait on his postman's round than in a public house, where 'he fell in with bad associates; hence drink, gambling, & pilfering to pay his "debts of honour"', the clergyman remained 'convinced that he is *weak* not radically bad'.[45] Similarly, with regard to Walter Cronk, a 23-year-old City bank clerk sentenced at the Old Bailey in May 1880 to seven years for attempting to defraud his former employer of £6,000, the vicar of Seal, his native village in Kent, felt 'assured that nothing but falling into bad company in London caused his downfall – I cannot believe that he is *Bad* in himself'. He could, he added, echoing the Kimberley Commission's precise objective, 'only hope that as much as possible he may be kept away from evil associates'.[46]

Distinct from such convicts, according to Harvey, were men whose offences were 'exceptional' and who required only a 'sharp check'; those, that is, whose true punishment was their disgrace and consequent remorse. Here, we can assume that he had in mind the 'gentleman convicts' encountered in the previous chapter. Though such prisoners, as we saw, were considered – and considered themselves - immune to criminal pedagogy, in sparing

[43] Ibid.
[44] Ibid.
[45] TNA PCOM 3/741.
[46] TNA PCOM 3/717.

them the company of common thieves, the star class could provide them an 'inestimable service'. Chatham's chaplain wrote similarly in 1883 of the 'unspeakable advantages' of the new system to men 'decently brought up', for whom 'penal servitude was intensely aggravated by having to labour among and mix with the vicious and depraved'.[47] For such men, assignment to the star class was all but guaranteed, their former status itself sufficient proof of eligibility. Enquiries were a mere formality in the case of James Boon, for instance, a 51-year-old bank manager from Okehampton, Devon, and former mayor of the town, sentenced in May 1882 to five years for stealing £156 from his employer (the prosecution having elected not to proceed with two further indictments involving sums totalling over £500). Devon's Chief Constable declined to fill in the enquiry form sent him by Pentonville's governor, Major James Farquharson, and instead simply noted Boon's long career and civic service, adding that he 'was much respected & liked' and that 'the discovery of his want of honesty was a general surprise.'[48] Similarly, once police in Leeds had identified 44-year-old Joseph Gill, sentenced in April 1883 to five years for unlawful wounding, as a 'gentleman' of 'independent' means, he was classified as a star man without further ado. This despite the judge at his trial, which followed an attack with a pen-knife at her home in Scarborough upon a married woman with whom he was having an affair, describing Gill as a 'man leading a useless and unoccupied life – dangling about hotels [and] indulging in low dissipation', an assessment that might well have proved damning for a candidate of lowlier status.[49]

Other convicts, by contrast, received references that indicated plainly their unsuitability for the division, their putative status as first offenders notwithstanding. Patrick Doherty, aged 33, of Soho, sentenced in December 1882 to five years for attempting to steal a cashbox from a pub in Notting Hill, was identified by Scotland Yard as a 'professional thief' of 'drunken & vicious' habits: 'never known to do any honest labour', he 'frequent[ed] race courses as a welsher & a thief'.[50] Exeter's Chief Constable described Henry Phillpotts, a 30-year-old commercial traveller from Bristol who, together with the former chief clerk at the army pay department at Devonport, had defrauded the War Office of almost £400, as 'a man who appeared to have forsaken decency and lead a very low life'. His associates 'a gang of men who obtained a livelihood by defrauding the public by way of sham advertisements',

[47] *RDCP*, PP 1883 [C.3828] XXXIII, 1 (hereinafter *RDCP 1882-83*), p.85.
[48] TNA PCOM 3/739; *Western Times*, 22 May 1882, p.3.
[49] TNA PCOM 3/769.
[50] TNA PCOM 3/753.

Phillpotts, sentenced to five years in November 1880, was believed to have an earlier conviction for an offence committed in London.[51] John Welsh, aged 25, a labourer from Bridgend sentenced in January 1882 to five years for assault and rape, had spent six weeks in Cardiff Gaol in 1867, aged only eleven, and then four years in a reformatory school, following a conviction for railway vandalism. Suspected of highway robbery, he was described by Glamorgan's Chief Constable as a man 'of the lowest type and open to commit almost any crime'.[52]

As might be expected, however, many men received mixed references, having been notable before conviction for neither virtue nor villainy. While Scotland Yard confirmed that Alfred Wood, a 22-year-old letter sorter from Canonbury sentenced in November 1881 to five years for stealing a letter containing £1.8s., had 'steady, regular' habits, 'good, respectable' friends, and was honest, industrious and 'very temperate', his superior described him as 'dishonest' and 'rather dissipated', complaining that he was 'not an energetic officer' and 'frequently in the morning bore traces of too free indulgence overnight'.[53] Like most 'Post Office men', Wood (who, as both respondents noted, supplemented his GPO salary with work as a concert violinist) was admitted to the star class. Thomas Barrow, on the other hand, was rejected: aged 26 and sentenced in January 1883 to five years for arson, having attempted an insurance fraud by burning down his own charcoal mill, Carlisle police confirmed Barrow as honest and sober, though of 'doubtful' character with regard to industry. Police in his native Ulverston, however, suspected him of sheep-stealing and noted his association with 'men of bad character'.[54]

Decisions regarding the classification of convicts eligible for the star class were, then, somewhat arbitrary. Nowhere was this truer than in cases of sexual assault. Here, following Liddell's ruling regarding offences committed jointly or under circumstances of 'great brutality', classification hinged on these additional criteria. In February 1880, within days of Du Cane receiving Liddell's instruction, Farquharson wrote to Scotland Yard requesting further information on 36-year-old Charles Chown, sentenced at the Old Bailey in September 1879 to ten years for rape, whom police had already identified as a gasworks labourer from Greenwich, of 'drunken' habits and 'loose & indifferent' associates. Was Chown 'solely concerned in that offence, or with others?', asked Farquharson, and 'if solely, were there any

[51] TNA PCOM 3/675; *Morning Post*, 10 August 1880, p.7.
[52] TNA PCOM 3/724.
[53] TNA PCOM 3/720; *London Evening Standard*, 2 November 1881, p.2.
[54] TNA PCOM 3/759.

circumstances of special brutality about the case?' Greenwich police duly reported that Chown's victim was 'a child of tender years', the daughter of a neighbour, and that although he 'took her into his room [,] threw her down on the bed and abused her', there was 'no violence used towards [her] with the exception that he effected his purpose'. Accordingly, he left Pentonville in May 1880 to join the first cohort of star men gathered at Millbank, and then arrived at Chatham in December.[55]

Supplementary questions following the wording used by Farquharson in this instance - 'concerned solely' and 'special brutality' (rather than Liddell's 'great brutality') - soon found their way onto the enquiry form itself, appended to the forms of all men convicted of sexually assaulting a female. In line with Liddell's ruling regarding 'sodomites', however, enquiries were not conducted into men convicted for the first time of 'unnatural' offences involving sex with other men. Sixteen-year-old William Hazzard, for instance, a labourer from Leighton Buzzard sentenced at Northampton Assizes in April 1880 to ten years' penal servitude, though precisely the kind of novice the star class aimed to shield from seasoned criminals, was disqualified automatically from the division as his conviction was for 'buggery'.[56] The same, went for William Hunt, aged 26, a bootmaker and former private in the Coldstream Guards, and George Smith, a 43-year-old clerk, jointly convicted at the Old Bailey in April 1883 of attempted sodomy and sentenced to five years apiece.[57] A blanket interdiction of this kind also applied to men convicted of bestiality, convict administrators apparently balking at determining (as Liddell had appeared to suggest they should) whether such cases were 'very gross' and therefore 'unnatural'. When he requested admission to the star class in January 1882, for instance, Edward Wilson, an eighteen-year-old American merchant seaman sentenced at Liverpool Assizes to five years for an offence committed with a cow, was informed that he was 'not eligible on account of the offence for which he has been convicted'.[58]

On the other hand, convict administrators were willing to admit to the star class men such as Chown, convicted of assaulting female children, provided police could confirm both their honesty and the offence having been committed with neither accomplices nor 'special brutality'. John Brown, to take another example, a 46-year-old seaman sentenced in July 1881 to five years for 'carnally knowing' a nine-year-old girl and indecently assaulting

[55] TNA PCOM 3/769.
[56] TNA PCOM 3/762.
[57] TNA PCOM 3/697; TNA PCOM 3/767.
[58] TNA PCOM 3/717.

another, was assigned to the star class, his character with regard to honesty judged 'good' by police in Hartlepool.[59] By the same token, the exclusion from the star class of James Wise, a 33-year-old farm labourer sentenced in October 1880 to eight years for raping his 6-year-old niece, was due not to the character of his offence but to police in Reading having identified him as 'an associate of suspected persons'.[60] As for 'special brutality', though easy to determine in cases such as that of John Roberts, a 21-year-old collier from North Wales sentenced in November 1880 to seven years for rape, who was reported to have battered his 65-year-old victim 'in a most brutal manner', interpretation of the phrase varied among police forces.[61] The tearing of victims' clothing, use of 'very disgusting language', and the commission of an offence 'at 9 P.M. on the Sabbath' were all variously cited.[62] For their part, convict administrators did not always concur with such assessments. William Pimblott, for instance, a seventeen-year-old farm labourer sentenced in January 1881 to seven years for 'feloniously abusing' a nine-year-old girl, was assigned to the star class in spite of Macclesfield police noting, with regard to 'circumstances of special brutality', that he had infected his victim with venereal disease.[63] William Crookes, aged 27, however, a farm labourer sentenced three months earlier at Leeds Assizes to five years for raping his sister's five-year-old adopted daughter, was rejected on identical grounds.[64]

Such inconsistency was absent from decisions regarding men whose offences had been committed jointly: readily identifiable, their exclusion from the star class was rigidly observed, a decent reference notwithstanding. For instance, Robert Bowers, Henry Legge and John Riches, all aged 20, Norfolk farm labourers sentenced in February 1880 to eight years apiece for raping a woman of the same age, were rejected, despite police describing their character with regard to honesty, industry and sobriety as 'good' and their victim as 'a prostitute'.[65] So too was Lawrence Harnett, aged 25, who might otherwise have been considered a prime candidate for the division. A well-educated customs officer described by his superior as 'honest' and 'attentive to his duties', Harnett received five years at Kent Assizes in July 1882 for raping two women aged 16 and 22, accompanied by another man, a

[59] TNA PCOM 3/703.
[60] TNA PCOM 3/757.
[61] TNA PCOM 3/734.
[62] TNA PCOM 3/743; TNA PCOM 3/742; TNA PCOM 3/737.
[63] TNA PCOM 3/738.
[64] TNA PCOM 3/675.
[65] TNA PCOM 3/738; TNA PCOM 3/740; TNA PCOM 3/737.

surgeon, who received eighteen months for indecent assault, both men protesting that they had acted with consent.[66]

When it came to convicts sentenced for offences involving sex *between* men, as we saw in the previous chapter, exclusion from the star class served to fence off as potentially contaminating discussion among convicts of such acts. Extending this prohibition to men convicted in relation to sexual acts *involving* more than one man may therefore have had a similar – and similarly hazy - objective. The rationale here is, however, far from clear. Liddell's initial ruling could well have been simply a reflexive response to sexual acts that seemed at odds with prevailing norms and ideals; a response then perpetuated in bureaucratic form.[67]

## Population, December 1880

In what manner did the selection process detailed thus far shape the star class as a whole? What was its resulting character? Background checks, as we shall see, largely met their objective of filtering from the division persistent property offenders - members, that is, of a putative 'criminal class'. And in shielding younger men from the corrupting influence of experienced thieves, as it explicitly aimed to, the star class – whether by design or happy coincidence – also spared 'gentleman convicts' the same company. But amelioration of this degrading aspect of penal servitude only went so far. Containing as it did men sentenced for offences such as rape, manslaughter and murder, alongside a heterogeneous assortment of arsonists, bigamists, blackmailers and other first offenders, the star class was hardly an exclusive club. To provide a clearer sense of the division's overall composition, this chapter now turns to an analysis of the initial star-class population at Chatham; that is, of those star men transferred to the prison by the end of 1880. This 'snapshot' of the star class at its inception will be contrasted in Chapter 4 with a second 'snapshot', obtained via 1911 census

[66] TNA PCOM 3/742.

[67] In this, convict officials, no doubt less by design than instinct, executed an elaborate discursive manoeuvre, for if *any* sexual act involving two or more men – including those involving both men and women – was 'unnatural', this by implication included *consensual* sex between a woman and more than one man, for consent did not determine the act's 'unnatural' status and rape (for instance, according to Liddell) could in other circumstances be 'natural'. Thus, a revised definition of 'unnatural crime' served to uphold and reinforce an uxorious sexual ideal, against which any other sexual configuration was suspect. See Ben Bethell, 'Defining "unnatural crime": sex and the English convict system, 1850-1900', in *From Sodomy Laws to Same-Sex Marriage: International Perspectives since 1789*, ed. Sean Brady & Mark Seymour (London: Bloomsbury Academic, 2019), pp.43-56.

returns for Maidstone convict prison, allowing us to track continuity and change within the division during the intervening decades.[68]

From the end of November 1880, star men began to be transferred from Millbank to Chatham in drafts of twenty. The last that year arrived on 19 December, bringing Chatham's star-class population to 219 (one court-martialled prisoner having by then been released upon remittance of his sentence); transfers would begin again in January 1881. Of these 219 convicts, all of whom had been sentenced to penal servitude between April 1879 and February 1880, twenty-three had been convicted by courts martial for offences against military discipline, leaving us a population of 196 to consider. This population was evenly split (eighty-five and eighty-six men respectively) between those convicted of offences against property and those of offences against the person. In addition, nineteen men had been convicted of malicious offences against property (all but one of them for arson), and three – two of whom, as discussed later, were soon removed from the star class – of offences against the currency (that is, of counterfeiting coins or banknotes). Three more, all of them former policemen, had been convicted of perjury.

## (a) Property offenders

Of the property offenders, twice as many had been convicted of non-violent as of violent offences, with several 'gentleman convicts' among the former. Two were disbarred solicitors: 51-year-old William Stephens and Lewis Fullagar, ten years his junior. Stephens had been sentenced at the Old Bailey to seven years for forging the signature of a director of the National Bank of India on a promissory note worth £2,000, and was believed to have netted a further £4,000 by similar means.[69] Fullagar, a former Sussex coroner and county treasurer, who had made a spirited dash for freedom when he was spotted, heavily disguised, by a police constable near Brighton, had received five years at Maidstone Assizes for misappropriating £2,500 from a client. His visitors at Chatham would include the Earl of Chichester.[70] Cotton merchant Charles Tomlinson, aged 46, described at his trial as a partner in 'one of the oldest and … most respectable firms in Liverpool', had fraudulently obtained £10,000 from a client and forged the signature of another on bills of exchange worth a further £8,000. He had 'yielded to temptation', according to his defence counsel, when faced with debts whose 'weight … threatened to overwhelm the house that it had been his life's effort to

[68] See Introduction, p.11, f.n.8.
[69] *Pall Mall Gazette*, 7 February 1880, p.6; *Morning Post*, 2 March 1880, p.7.
[70] TNA PCOM 3/631; *London Evening Standard*, 4 August 1879, p.3.

build'. Sentencing him to ten years at Liverpool Assizes, Sir James Fitzjames Stephen likened the offence to 'an act of cowardice on the part of a soldier'.[71] Charles Phillipson, aged 38, sentenced at the Old Bailey to five years for larceny, had committed the offence not as a professional man but as an amateur speculator. A music teacher employed (according to a cousin) 'at several first-class ladies schools', while also living on a private income and (according to another respondent) 'enjoying all the refinements' of 'a good position in middle class life', Phillipson had misappropriated Russian bonds and other shares worth over £4,000. These he had purchased on behalf of two sisters, his neighbours in Bloomsbury and old family friends, who had entrusted him with their investments; he also bounced a £1,200 cheque to his stockbroker. His time at Chatham would be mercifully brief: refusing food, 'dirty in his habits', 'singing loudly [,] shouting at the top of his voice' and talking 'incoherently', he was placed under medical observation in March 1881, given a diet of mutton chops, beef tea and lemonade and prescribed chloral hydrate as a sedative, and then in May returned to Millbank and released on medical grounds.[72]

Offences on a comparable scale had been committed by some among the thirteen men giving their occupation as 'clerk' (of whom all but two had been convicted of property offences). Exceeding the £3,000 embezzled by John Eccles, the Bury clerk considered 'doubtful' by Du Cane, was the £5,700 stolen similarly over a period of many years from the Anglo-American merchant bank Brown, Shipley & Co. by clerks Ernest Wrench, aged 31, and Arthur Crane, aged 30. Wrench, a 'gentleman's son' educated at Winchester, had fled to France, and Crane, a 'gentleman by birth and education', to South Africa, before both were sentenced at the Old Bailey to seven years apiece for embezzlement.[73] Though by no means inconsiderable, such offences were dwarfed by those committed by two other Chatham star men. Sentenced at Manchester Assizes to ten years for embezzlement and forgery, 52-year old William Gourlay, town clerk of Oswaldtwistle, Lancashire, had helped himself to £42,000 from its coffers, his defence counsel blaming the offence on an addiction to bubble-company speculation.[74] Arriving at Chatham the same day (December 15), William Coath, aged 36, had received seven years at Stafford Assizes for embezzling over £3,000 from the manufacturer of railway carriage parts that employed him as its chief cashier, but was

[71] *Liverpool Echo*, 4 November 1879, p.3; ibid., 12 November 1879, p.4.
[72] TNA PCOM 3/557; TNA CRIM 9/25; *Globe*, 12 November 1879, p.7.
[73] TNA PCOM 3/612; TNA PCOM 3/613; *Pall Mall Gazette*, 27 March 1879, p.5; ibid., 23 April 1879, p.5; *Liverpool Mercury*, 24 April 1879, p.8.
[74] *Blackburn Standard*, 19 July 1879, p.8; *Lancaster Gazette*, 26 July, 1879, p.7.

believed to have cost the firm around £73,000 over a five-year period. Living on a £400 a-year salary 'like a gentleman of ample and independent means', he was said to have 'amused his leisure by the occupation of gentleman farming'.[75] Far more common were comparatively modest sums such as the £500 with which 21-year-old George Race, a colliery clerk from Stoke-on-Trent sentenced to five years for embezzlement, funded frequent jaunts to London. In response to Convict Service enquiries, Stoke police confirmed that Race was 'very fond of attending sports, theatres and other places of entertainment' and had enjoyed regular assignations with 'a female of loose character'.[76] Henry Stebbings, similarly, a 26-year-old solicitor's clerk sentenced to five years for forgery, had stolen over £400 from his employer, again over a considerable period, though in his case driven by a passion for canaries. As he confessed to a colleague before fleeing to New Zealand, he had planned to cover the shortfall with prize-money he expected the valuable birds to win at a show in Norwich.[77]

Most prevalent among non-violent property offenders, however, were 'Post Office men', of whom twenty-seven had arrived at Chatham by the end of 1880, over thirteen per cent of its (non-military) star-class population. Most had been convicted of stealing petty sums, postage stamps and/or jewellery, and many had long been suspected of sustained offending. The commonest means of detection in such cases was via a 'test letter' sent by GPO investigators. Caleb Phillips, aged 38, for example, received five years for stealing a test letter containing 120 penny stamps, following several years of complaints from customers at the Post Office in Newport, where he had worked for seventeen years as a clerk. Financial difficulties had reduced him to 'a state of destitution incompatible with the position of respectability he occupied'.[78] Letter carriers, who occupied a lower rung of the Post Office hierarchy than clerks like Phillips, normally combined the job with a trade or other occupation in order to make ends meet. Cupidity and opportunity no doubt played a part in at least some of the petty thefts for which such men paid an unduly heavy penalty, but cases such as that of Durham carrier William Briggs, aged 36, were not uncommon. Sentenced to five years for stealing test letters containing 120 penny stamps, two-dozen halfpenny stamps and 11s.4d., Briggs had hitherto supported a wife and seven children on a Post Office wage

[75] *Birmingham Daily Post*, 7 February 1880, p.5; *Illustrated Police News*, 21 February 1880, p.2.
[76] TNA HO 140/48; TNA PCOM 3/631; *Staffordshire Sentinel*, 5 November 1879, p.3.
[77] *Nottinghamshire Guardian*, 27 June 1879, p.8, 25 July 1879, p.3.
[78] TNA HO 140/51; *Monmouthshire Merlin*, 13 February 1880, p.2.

of 19s. a week, supplemented by work as a bootmaker. The cost of one child's funeral, he claimed, had driven him to steal.[79]

Of the remaining non-violent property offenders among Chatham's star class, most, like the men discussed so far, had either stolen from their employers or committed offences relating to their employment. William Bavington, aged 38, for instance, had been sentenced to five years for larceny and receiving jewellery worth over £100. His position as porters' foreman at Paddington Station, where police found in his locker tools for opening passengers' trunks, had allowed him to commit what the judge at his trial described as 'acts of deliberate and systematic plunder'.[80] Other star men had been convicted for their part in confidence tricks requiring inside knowledge of a trade or profession. Alfred Speight, aged 43, for example, a once respectable Bradford wool trader sentenced to five years at Liverpool Assizes, swindled three separate merchants of sums totalling £130. Observing that 'it could not be said that he had been exposed to any temptation', Speight's trial judge remarked that the offences, which had involved him posing as the senior partner of a fictional concern, 'required great skill and education, which [he] possessed, but which he had abused'.[81]

Despite the variety of circumstances surrounding them, then, many of the non-violent property offences committed by Chatham's star men had in common their planned, deliberate and sustained – or at least repeated – character. One is struck here by a notable dearth of genuinely 'accidental' offenders, succumbing to temptation in a catastrophic moment of weakness. At its very outset, first-offender classification thus had an unintended result; indeed, in producing a concentration of calculating property offenders, the opposite of that aimed for by the Kimberley Commission. But as non-violent property offences serious enough to merit penal servitude's five-year minimum term were unlikely to be either paltry in scale or 'accidental' in character (barring those committed by hapless postmen), this consequence was inevitable. If, on the other hand, the new division was to be assessed by the *exclusion* from it of a certain type of non-violent property offender, then it could be judged broadly a success: entirely absent from the star class were the petty pickpockets and larcenists so prevalent among ordinary prison populations, whose offences would have earned a sentence of penal servitude only upon repeat conviction.

[79] TNA HO 140/45; *Morpeth Herald*, 11 October 1879, p.3.
[80] TNA HO 140/47; *Manchester Courier and Lancashire General Advertiser*, 11 October 1879, p.11; *London Evening Standard*, 25 November 1879, p.6.
[81] TNA HO 140/50; *Bradford Daily Telegraph*, 13 September 1879, p.4; ibid., 9 February 1880, p.3.

Perhaps more typical were the star class's violent property offenders, although as a proportion of the division – at twenty-seven men, around 13 per cent of the cohort considered here – they, too, were uncharacteristic of English prison populations. Fifteen had been sentenced for housebreaking or shop-breaking, of whom the majority appear to have been - like Mantle, the Gravesend man whose case Du Cane referred to the Home Office - experienced burglars. This suggests a tendency at the outset to give such men the benefit of the doubt and to set less store by the circumstances of their arrest and trial than by reports of their good character. John Whalley, aged 21, for instance, sentenced to ten years for warehouse-breaking, but charged initially with seventeen counts of railway theft and commercial and residential burglary in Blackburn (including the home of the town's MP), was identified by police in Preston as a former Sunday school scholar employed as a railway engine cleaner, and described as 'respectable' and 'generally honest'.[82] Similarly, although a loaded revolver and burglar's tools had been discovered at the home of Henry Mullen, aged 26, who received seven years at Carlisle Sessions for stealing silk and tweed worth £70 from commercial premises in Cumbria, the Medical Officer of Health for his native Sedgefield nevertheless recalled him as a man of 'excellent character as regards honesty' and a temperance activist to boot.[83] All, however, had been *convicted* of a first offence, and those whose enquiry forms survive had received decent character references. Here once again, first-offender classification's paradoxical effect was to concentrate in one place men convicted not of petty, opportunistic offences, but rather those of a deliberate – even 'professional' - character.

## (b) Malicious property offences

Of the nineteen Chatham star men convicted of malicious offences against property, one had been sentenced for railway vandalism and the remainder for arson. The former, 24-year-old Thomas Wear, originally from Belfast and employed as a stoker at a Jarrow ironworks, had been sentenced to seven years for drunkenly placing a brick on a railway track with intent to derail a train, an offence his trial judge deemed 'even worse than firing a gun in a crowd of people'. Though he later confessed to a police constable - who, as a train approached, had managed to kick the brick safely away - that he'd hoped to see a 'spill', his employer nevertheless believed him 'innocent of the crime', adding that this opinion was 'universal

[82] TNA HO 140/46; TNA PCOM 3/761; *Blackburn Standard*, 17 May 1879, p.8.
[83] TNA HO 140/45; TNA PCOM 3/710; *Carlisle Express and Examiner*, 5 July 1879, p.6.

throughout Jarrow.'[84] Among Chatham's star-class arsonists, the heaviest sentence was that handed down to butler John Dodman, aged 40, who, in the hope of concealing theft of silver plate from his employer's Knightsbridge home, set fire to it while she, her three daughters, a niece and four female servants were sleeping, an offence described by an Old Bailey judge, sentencing him to twenty years, as 'diabolical'.[85] The other men had been sentenced to between five years and ten, some having set fire to rented business properties in order to defraud insurance companies, others to their own homes for the same purpose. Chimney-sweeps John Pratt, aged 33, and his brother Walter, 31, for example, set fire to their rented house in Perth, having insured its furniture for £100, and received five years apiece for the effort.[86]

The most common target, however, was the farmer's haystack, straw-stack or barn, having been fired by no fewer than ten star-class arsonists. A variety of circumstances prompted such offences: some were committed to defraud insurance companies and others by disgruntled employees. Some arsonists aimed simply to get locked up: 35-year-old George Collins, for instance, originally from Ipswich, classed as a 'tramp' by Buckinghamshire Constabulary, and sentenced to five years for setting fire to a haystack at Newport Pagnell, told police that 'his life was a misery to him, and he did not care what became of him'.[87] Two offences appear to have been committed simply for thrills. William Gray, aged 26, a farm labourer with a history of insanity, described by police as 'mischievous' and prone to 'any kind of damage', received eight years for firing a straw-stack on a farm at Runton, on the Norfolk coast; drunk, he also vandalised field gates and attempted to fire a second stack. The blaze from the first 'lighted up the country for miles around', causing a sea-vessel to mistake it for the lighthouse at Cromer, change course and run aground.[88] Like Gray, farm labourer Thomas Metcalfe was described by police as 'mischievous'. At fifteen, he was among the youngest of Chatham's star men, a distinction he shared with Alexander Lyons, also 15, and 14-year-old William Hartley, both sentenced to five years apiece for housebreaking, following a string of domestic burglaries in Glasgow's West End.[89] Metcalfe had received seven years for firing five oat- and haystacks, three of them his former

[84] TNA HO 140/45; TNA PCOM 3/679; *Sunderland Daily Echo*, 17 July 1879, p.4; *Newcastle Courant*, 18 July 1879, p.8.
[85] TNA CRIM 9/25; *London Evening Standard*, 29 October 1879, p.2.
[86] *Dundee Evening Telegraph*, 30 May 1879, p.4; ibid., 15 September 1879, p.4.
[87] TNA HO 140/45; TNA PCOM 3/642; *Bucks Herald*, 1 November 1879, p.6.
[88] TNA HO 140/51; *Lowestoft Journal*, 14 February 1880, p.2.
[89] *Glasgow Herald*, 25 December 1879, p.7; *The Scotsman*. 25 December 1879, p.7.

employer's, over the space of two nights near the North Riding village of Bedale. He was, however, suspected of involvement in many other incidents, the frequency of which had prompted local farmers to pay men to guard their stacks at night.[90]

## (c) Offences against the person

Turning to the eighty-six Chatham star men sentenced for an offence against the person, twenty-six had been convicted of a homicide, eight of whose death sentences for murder had been commuted to penal servitude for life. A further forty-three had been sentenced for serious violent offences such as wounding or shooting with intent to murder, or to cause grievous bodily harm, and sixteen for sexual assaults. Of the latter, at least seven had been sentenced for offences upon girls aged below thirteen, the age of consent subsequent to the 1875 Offences Against the Person Act.[91] In addition, one man, Francis Hammond, 41, a Fellow of the Royal College of Surgeons, had been sentenced at the Old Bailey to ten years for procuring a miscarriage, following an attempted procedure upon his own mistress, whose half-sister then reported him to the police.[92] Another medical man, Adam Addison, aged 39, a fellow of the Royal College of Physicians, received seven years for manslaughter at the Old Bailey, following the death of a 25-year-old domestic servant at a flat in Bayswater. Suspected by Scotland Yard of having 'been extensively engaged in procuring abortion' for a number of years, he had attempted to hang himself while awaiting trial at Newgate.[93]

Alongside the property offenders already mentioned, both Hammond and Addison numbered among Chatham's star-class 'gentleman convicts'. Joining them were three young men of independent means and no occupation - 'gentlemen', that is, in the narrow sense of the term. George Gardner, aged 28, had been sentenced at the Old Bailey to twenty years for attempting to murder his wife, whom he shot in the face at close range with a revolver at their home in Hillingdon (her survival something of a miracle). '[A]ddicted to intemperate habits', he had spent 'several days … drinking freely of brandy and beer'.[94] Francis West, the 31-year-old scion of 'a highly esteemed Cornish family', sentenced at Exeter Assizes to eight years for manslaughter, had 'drunk a good deal' before shooting dead his wife with a rifle at their villa in North Devon.[95] The conviction for murder of the third gentleman, 23-year-old

[90] TNA HO 140/52; TNA PCOM 3/737; *Northern Echo*, 12 November 1879, p.3; ibid., 22 November 1879, p.4.
[91] 38 & 39 Vict., c.94, ss.3-4.
[92] *The Standard*, 21 July 1879, p.3; *Pall Mall Gazette*, 24 September 1879, p.4.
[93] TNA PCOM 3/672; *Pall Mall Gazette*, 1 April 1879, p.5; *Morning Post*, 30 May 1879, p.6.
[94] *Morning Post*, 29 May 1879, p.6.
[95] *Exeter Flying Post*, 24 December 1879, p.8; *Bristol Mercury*, 27 January 1880, p.3.

Gerald Mainwaring, the son of a Staffordshire county magistrate, also followed a bout of heavy drinking: the night a pony-and-trap chase through the streets of Derby culminated in his shooting dead a police constable, he had consumed 'champagne, a quart of brandy and three bottles of claret'. His death sentence was commuted when it emerged that his jury, split on whether to deliver a verdict of murder or of manslaughter, had drawn lots for the deciding vote.[96]

Drink also played a part, albeit in a somewhat different manner, in the widely publicised case of Lewis Paine. A commercial traveller from Worcestershire, Paine's life sentence for manslaughter at the Old Bailey followed the death of the crippled daughter of an Indian Army officer in rooms above a coffee-house in Marylebone. Paine had shared a drunken, unconventional existence with the woman, whom he deliberately starved and forced to drink rum, whisky and brandy, in order to inherit her substantial estate.[97] Besides Paine, only two other Chatham star men had been convicted of a homicide committed for gain: farm labourers Henry Howitt, aged 25, and John Vessey, aged 22, from Spalding, Lincolnshire, sentenced to death at Lincoln Assizes for murder, following the fatal heart attack of an elderly man they had assaulted and robbed of 5s.6d. Egged on by his housekeeper (whose death sentence was also commuted), they had then stolen a suit and other items from his home.[98]

More commonly, convictions for homicide and violence among Chatham's star men, like those of Gardner and West, resulted from domestic incidents. In all, eight star men had been convicted of killing their wives and ten more of wounding them, and of these eighteen offences, at least ten were committed while drunk. The convictions of a further eight were for killing or wounding women who were not their wives, with all but one of these offences committed in a domestic context. Of two men who had killed or attempted to kill their own children, one was another of Chatham's 'gentlemen': 45-year-old Benjamin Orchard, a journalist 'of good social connections', involved as editor and proprietor with a number of Liverpool newspapers and secretary of the city's YMCA. In a 'fit of melancholia' brought on by financial distress and the death of his eldest son, he had attempted to kill himself and two of his younger children with chloroform, receiving five years for administering poison with intent to murder.[99] The other, Robert Lines, a 23-year-old coachmaker from Walsall, we

[96] *London Daily News*, 14 July 1879, p.6; *Liverpool Mercury*, 1 August 1879, p.7; *Manchester Evening News*, 12 August 1879, p.4.
[97] TNA HO 140/51; *North London News*, 20 December 1879, p.5; *Barnet Press*, 28 February 1880, p.7.
[98] TNA HO 140/50; *Stamford Mercury*, 21 November 1879, p.4; ibid., 6 February 1880, p.6.
[99] *Eastern Daily Press*, 30 August 1879, p.4; *Pall Mall Gazette*, 12 November 1879, p.4.

shall meet again in the following chapter. Sentenced to death at Stafford Assizes, he had killed a one-day-old male infant with a cleaver, doubting its paternity, and then attempted to kill his wife (his reprieve had followed a 5,000-strong petition to the Home Secretary).[100] As well as being one of the first star men to arrive at Chatham, when the prison closed in 1892 he would be among the very last to leave.

Among star men convicted of killing or wounding other men, eleven in all had been involved in poaching incidents. Henry Hardwick, for instance, a 24-year-old miner at a colliery near Newcastle, previously convicted for game trespass and known to Northumberland police as a poacher, had been sentenced to fifteen years for shooting and wounding a farmer and six others during a stand-off at a farm in Morpeth.[101] Similarly William Barton, a 40-year-old coalminer, and Thomas Jones, a silk-thrower, aged 50, had both received fifteen years for manslaughter, following an incident at Biddulph in Staffordshire, in which a gamekeeper was shot dead.[102] The convictions of other star men resulted mainly from arguments between workmates or drunken quarrels, often both. John Kennedy, aged 22, for instance, employed in a North Wales slate quarry and sentenced to five years for manslaughter, was 'stupidly drunk', according to one trial witness, when he stabbed a workmate, a fellow Tipperary man, as they returned home from a pub on a Saturday night, a discussion about 'the state of Ireland' having turned violent.[103] Five similar offences had been committed by merchant seamen, whose presence at Chatham lent the star class a cosmopolitan character. Brazilian stoker Emmanuel de Cento Bravo, aged 22, had stabbed a Jamaican seaman in the neck during a street-fight outside a Liverpool seaman's mission, receiving five years for wounding at Liverpool Assizes, while ship's butcher Anthony Rippin, aged 30, a French-speaking native of Pondicherry, had been sentenced at the Old Bailey to five years for manslaughter, following an altercation aboard a British steamer at Port Said.[104] A fifteen-year sentence for manslaughter handed down to ship's cook James Mulligan, aged 26, following a fight aboard a British ship moored at Havana, had been reduced to ten once his trial judge at Hampshire Assizes determined that 'black men were more in the habit of using the knife than Englishmen were'.[105]

[100] *Cheshire Observer*, 26 July 1879, p.6; *Staffordshire Sentinel*, 4 August 1879, p.3.
[101] TNA PCOM 3/610; *Shields Daily Gazette*, 10 February 1879, p.3.
[102] TNA HO 140/48; *Staffordshire Sentinel*, 3 May 1879, p.7.
[103] TNA HO 140/49; TNA PCOM 3/641; *Yorkshire Post and Leeds Intelligencer*, 25 November 1879, p.4.
[104] TNA HO 140/46; TNA HO 140/47; TNA PCOM 3/637; *Liverpool Mercury*, 5 September 1879, p.8.
[105] TNA HO 8/46; *Hampshire Advertiser*, 19 November 1879, p.4; *Dorset County Chronicle* 20 November 1879, p.10.

Aside from Gerald Mainwaring, four more Chatham star men had been sentenced for committing violent offences upon policemen (three of them in relation to the same incident), and another four were themselves former police officers. Among the latter, three had been convicted of perjury. Owen Hughes, aged 39, had risen to the rank of sergeant during nineteen years' service with the police force at Beaumaris, Anglesey, before arresting a man for drunkenness who then claimed to have been assaulted by him, provoking a petition that led ultimately to Hughes's own arrest. He was sentenced to five years, despite clergymen, court officials and the town's mayor lining up to testify to his excellent character.[106] Staffordshire constables Ralph Ratcliffe, aged 34, and William Drumm, 25 also received five years, having conspired to ruin a pub landlord, who, thanks to their evidence, earned two wrongful convictions for being drunk and for allowing drunkenness upon his premises.[107] Chatham's fourth ex-policeman was 26-year-old Charles Edgington, formerly of the West Sussex Constabulary, sentenced at Maidstone Assizes to seven years for abusing a girl aged below twelve.[108]

## Reclassification

Writing to Du Cane at the end of December 1880, Chatham's governor, Captain Vernon Harris (recently transferred from Dartmoor), noted the 'quiet and orderly' conduct of the prison's newly arrived star men and their 'willingness and anxiety to please'; 'they evince none of the characteristics of the Criminal Class', he added.[109] From the outset, however, he doubted the antecedents of at least some. Within the division, he observed the following March (by which time it numbered over 350 men, around a quarter of Chatham's population), were convicts 'who, from their manner and general bearing, are clearly, more or less, connected with the criminal classes, and have shown by their behaviour, considerable acquaintance with prison life'. Some had even 'recognis[ed] friends and associates amongst the ordinary prisoners'.[110] The first to attract his suspicion was the Perth chimney-sweep John Pratt (although, for some reason, not his brother and fellow-arsonist Walter). Within days of arriving at Chatham, Pratt had been punished for insolence and talking, prompting Harris to place him in separate confinement (where he earned a second punishment, this time for insolence to Harris's deputy) pending further investigation of his antecedents. When

[106] TNA HO 140/45; *North Wales Chronicle*, 20 July 1878, p.7; ibid., 19 July 1879, p.6.
[107] TNA HO 140/48; *Lancaster Gazette*, 26 July 1879, p.2.
[108] TNA HO 140/46; TNA PCOM 3/693.
[109] TNA HO 45/9557/70327C: Harris to Du Cane, 24 December 1880
[110] *RDCP 1880-81*, p. xxxviii, p.59.

Perth's Superintendent of Police duly reported that Pratt, though 'easily excited', 'will give you little trouble … if a little kindness is shown him', Harris was instructed to return him to the star class.[111] But he continued to warn Du Cane that Pratt was 'a very doubtful character', who possessed 'all the manners and bearing of an old Convict, makes use of their terms and expressions, and appears generally to be well acquainted with prison ways.'[112] In the months that followed, Harris then removed from the division three of Chatham's older star men. John Ward, aged 58, sentenced to five years at the Old Bailey for swindling a Paddington publican, and believed responsible for up to thirty similar offences, was transferred to Portsmouth in January 1881, less than a month after arriving at Chatham.[113] His departure was followed by the transfer to Portland in April of Albert Yankowski, aged 63, and his brother Julian, 60, sentenced at the Old Bailey to fifteen and twelve years respectively, the former for possessing 6,000 forged three-rouble notes and the machinery for printing them, police having discovered 'a complete manufactory' for Russian currency at his home in Tulse Hill, the latter for possessing engraved copper and steel plates found buried in his garden at South Norwood.[114]

This minor purge of elderly career criminals appears to have satisfied Harris, whose misgivings regarding the star class were henceforth confined to its military prisoners, whom he viewed as the disruptive element in an otherwise well-ordered division. In March 1881, describing the behaviour of genuine first offenders as 'exemplary', he noted among them a 'willing disposition [that] bears little resemblance to the listless method of old offenders', whose 'evasions and shifts' they lacked.[115] Harris's chaplain, similarly, remarked of star men in March 1881 that '[t]heir tone is brighter, their conduct better, reports for transgressing rules fewer, and while visiting from cell to cell one meets with a heartier welcome and finds better material to work upon.'[116] Writing again a year later, by which time Chatham's star-class population had climbed to 589 (around half the prison's total population), the chaplain noted with satisfaction that the 'seemingly insurmountable difficulties which stood in the way

[111] TNA PCOM 3/648.
[112] TNA HO 45/9557/70327C: Harris to Du Cane, 24 December 1880.
[113] *Shipping and Mercantile Gazette*, 25 September 1879, p.7; *London Evening Standard*, 25 September 1879, p.3.
[114] TNA HO 140/47; TNA HO 140/51; *London Evening Standard*, 14 November 1879, p.2; ibid., 21 November 1879, p.2; ibid., 4 February 1880, p.2.
[115] *RDCP 1880-81*, p. xxxviii, p.60.
[116] Ibid., p.97.

of forming such a separation have at length been overcome … amply repaying the time, thought and labour requisite for making such a distinction'.[117]

Nevertheless, convicts continued occasionally to be demoted. Following his arrival at Chatham in December 1880, Alexander Adams, for instance, a 19-year-old boatyard labourer sentenced to five years for robbery (as part of a boisterous gang of youths, he had assaulted passers-by one Saturday evening in Dundee, relieving them of their hats and watches), remained a star man for less than a year.[118] In October 1881, noting that 'his behaviour is becoming worse instead of better', Harris recommended Adams's reclassification on account of his 'pernicious effect on his fellow-prisoners', reports for idleness, refusing to work, damaging his uniform, and scavenging for food having culminated in his throwing a full chamber-pot at another prisoner.[119] Such demotions were, however, rare: Chatham's chaplain reported in 1882 that of more than 500 men by then admitted to the star class, only ten had subsequently 'been degraded to the common level', a figure he saw as testament to 'the care bestowed and the searching inquiries made into the previous history of each case'.[120]

Conversely, ordinary convicts were occasionally reclassified as star men and transferred to Chatham from other convict prisons. Thomas Henry, for instance, a sixteen-year-old apprentice lighterman from Wapping, had been sentenced at the Old Bailey in April 1883, along with fellow apprentice Joshua Bentley, aged 17, to five years for helping their foreman and another man steal twelve bales of wool valued at £250. Thames police gave the youths virtually identical references: both were 'industrious', of 'decent' habits and not known to be dishonest; in terms of sobriety, Henry was 'very steady' and Bentley 'fair'. But the latter received a reference from another foreman, who had 'always found him honest and trustworthy', while an unsolicited letter from a man claiming to be a former employer described him as 'a young man whom I have known and respected for some time', paying testament to his 'honesty, sobriety, and general good conduct and trustworthiness'. Bentley, accordingly, was assigned to the star class, transferring to Chatham in January 1884 from the new convict prison at Wormwood Scrubs (discussed in the following chapter), while Henry, classified as an ordinary convict, went to Dartmoor from Pentonville a month later. In April,

[117] *RDCP*, PP 1882 [C.3374] XXXIV, 1 (hereinafter *RDCP 1881-82*), p.109, p. ix.
[118] TNA PCOM 3/663; *Dundee Courier*, 10 September 1879, p.4.
[119] TNA PCOM 3/663.
[120] *RDCP 1881-82*, p.109.

however, he successfully petitioned the Home Secretary to be admitted to the star class, and in May joined his former confederate at Chatham.[121]

In rare instances, a chaplain's intervention might result in an ordinary convict's admission to the star class, as in the case of Nathaniel Garwood, a 34-year-old journeyman tailor, originally from Stepney, sentenced at the Old Bailey in May 1882 to five years for wounding. In September that year, Garwood's request for reclassification was rejected, a decision then reversed once George De Renzi, Pentonville's chaplain (recently transferred from Millbank), wrote to Major Farquharson to 'recommend the case of this prisoner for re-consideration with a view to his being placed in the "Star Class."' At first glance, Garwood would have seemed less than promising material: sentenced to a month's imprisonment in April 1882 for assaulting his former landlord's estranged wife, with whom he had been living in Canterbury, he had upon release tracked the woman down to her lodgings in Hampstead and, when she refused to return to him, cut her throat with a razor in broad daylight as they walked together in the street. Two years earlier, renting a room from the woman's husband at a lodging-house in Fitzrovia, he had been bound over by Marylebone magistrates either for assaulting the man or (in an alternative account) for his behaviour in the house, where he had 'annoyed and bullied' his fellow lodgers. He then moved with her to Lewisham, and thence to Canterbury, where police described him as 'an idle worthless scamp'. A clothier in the town confirmed that he was 'pretty well known at race meetings and frequently made a book', and a former tenant of the house in Fitzrovia that he was of 'the worst' class and 'very bad habits', a former wrestler and the associate of 'racing & betting men'. Scotland Yard judged his honesty 'doubtful', but only one respondent made a specific charge against him: the landlord he had cuckolded, who claimed he had stolen a watch-chain.

Tailors in Lewisham for whom Garwood had worked presented a somewhat different picture. One had known him for thirteen years and 'could rely on his honesty', declaring that 'a more regular man there could never be'. The other, a recent employer, believed him 'the victim of a designing woman', recalled his 'ability & affability', and described him as 'a superior working man, and that not from education … but in a sense he is a natural genius.' Like this respondent, Pentonville's chaplain evidently found Garwood sympathetic, conceding that there was 'no doubt (he admits as much himself) that he has led a very immoral and dissolute life', but insisting nevertheless that there was 'nothing of the criminal

[121] TNA PCOM 3/767.

in his character.' De Renzi had 'seen a good deal' of Garwood, and 'from the good feeling he has manifested' thought it 'very desirable to save him from association with habitual criminals.' Assigned to the star class, he left Pentonville for Chatham in February 1883.[122]

## Reformatory practice?

By March 1883, star-class numbers at Chatham had reached 678, almost half the prison's population. Convict administrators predicted that this would represent a plateau, as star men given five-year sentences in 1879 were by then beginning to be released on licence.[123] In the event, as we shall see in the following chapter, the figure represented the star-class's numerical peak, coinciding as it did with the beginning of an unanticipated drop in the overall English prison population. In his report that month, Chatham's chaplain felt moved once again to praise the new system of classification, applauding 'the wisdom of the design' and observing that, since its introduction, the 'moral tone of the prison has undergone a remarkable change for the better'.[124] Harris shared his enthusiasm, declaring in 1885 that the star class 'shows promise of becoming a great safeguard to men who have fallen into crime for the first time.'[125] Du Cane, writing at the same time, agreed: the conduct and industry of star men thus far gave him 'reason to hope that this measure will be entirely successful.'[126]

Should such assessments be dismissed as mere Panglossian rhetoric? Perhaps not. Harris, as we shall see in the next chapter, was very far from being a pushover, yet could hardly 'speak too highly of the general tone and behaviour of the first convicted men'. He was, he wrote, convinced 'that they feel the moral degradation to which they have subjected themselves keenly, and that it is very unlikely that they will ever again commit themselves.' His chaplain, similarly, believed that many star men viewed penal servitude 'as a righteous discipline, painful and calamitous, but calculated to promote their moral and spiritual interests', welcoming 'merciful though severe chastisement to lead them to reflect and do better for the remainder of their lives.'[127] One grateful (possibly apocryphal) star man had upon release declared to Harris: "I always thought penal servitude was intended to bring people to their senses; nothing else would have done it in my case."[128] Here, an echo of early-Victorian penal discourse is apparent. We might even imagine that the arrival of the

[122] TNA PCOM 3/735.
[123] *RDCP 1882-83*, p. viii, p.85.
[124] Ibid. p.85.
[125] *RDCP*, PP 1885 [C.4568] XXXIX, 1 (hereinafter *RDCP 1884-85*), p.13.
[126] Du Cane, *Punishment and Prevention*, p.162.
[127] *RDCP*, PP 1886 [C.4833] XXXV, 457 (hereinafter *RDCP 1885-86*), p.22.
[128] *RDCP 1884-85*, p. xi.

star class at Chatham in the early 1880s - when the reformatory tendency in English penal philosophy is supposed by historians to have reached its nadir - had rekindled in convict prison officials the aspirations of a bygone penal era. But should the star class be understood in this way; that is, as a genuinely reformatory – as opposed to merely a preventative – form of penal practice (albeit one situated within other, predominantly deterrent forms)? Twenty years after its introduction, it was certainly seen that way by at least one notable former prisoner, the socialist and trade unionist John Burns, who, debating the Prison Bill in 1898 as Liberal MP for Battersea, told Matthew White Ridley (by now Home Secretary) that low reconviction rates among star men

> proves that humanitarianism pays, and that kindness, even at the eleventh hour, is better than no kindness at all. But I say let us have the kindness at the third and fourth hour, and if more men are put into the star class … the Home Secretary will find that men will not come buck [*sic*] as they do now.[129]

To examine this question further, we should look beyond the words of convict administrators to their actions. Here, we also find evidence of humanitarianism. Granted, the primary aim of Du Cane's background checks was a 'negative' one: that of preventing contamination as far as possible via the elimination of 'bad apples' from a relatively uncorrupted batch. Conversely, however, convict administrators made great efforts to save men seen as genuinely 'weak not bad' from slipping through the net and risking contamination, and exhibited genuine concern as to the fate of individual star-class prospects, despite there being little practical advantage in not simply consigning every doubtful case to the ordinary convict population. Instead, as we have already seen, investigations to establish a prisoner's suitability for the division were often carried to considerable lengths.

The case of Richard Steventon (or Wilson) provides another example. Born in 1853, Steventon deserted from the Royal Artillery in 1877 and was then discovered, when arrested three years later, to have committed bigamy in 1876, for which he received five years at Liverpool Assizes in April 1880. His former regiment identified his character as 'Bad – in consequence of desertion; escape from confinement, absence, and losing kit'; police in his native Shropshire would confirm only that he had been convicted under an assumed name, and Liverpool Constabulary his status as a deserter. He was therefore interviewed in July 1880 by Farquharson, to whom he provided the names of a clothier and a builder, both

[129] HC Deb 4 April 1898 vol.56 cc.86-7.

located in the Staffordshire town of Hanley, where he had been raised, and the information that he had worked briefly as a tram conductor in Leeds following his desertion. Police in the latter city confirmed that although he had 'conducted himself satisfactorily', he had been sacked by the Leeds Tramways Company 'owing to his wife [it is unclear which one] causing disturbances whilst he was on duty.' For his part, Hanley's Chief Constable informed Farquharson that Steventon had first enlisted in the army in 1873 (around the time of his first marriage), that his parents had left the town two years earlier, and that the clothier was now dead. He was, however, remembered at the latter's shop as 'very sharp, active and attentive to his duties'. The builder, meanwhile, provided a good reference, remembering Steventon as 'perfectly honest and industrious, 'a total abstainer' from drink and 'very respectable'. On this basis he was assigned to the star class, transferring to Chatham in January 1881.[130]

When it came to city-dwelling working-class men – those, that is, whose antecedents convict administrators tended anyway to doubt – locating a referee could often prove difficult. In this way, ironically, the need for a decent reference rose in inverse proportion to the ease of obtaining one. 'An exact account of the antecedents in all cases is very rarely forthcoming,' Harris observed in 1885,

> and, as the sources of information are frequently unreliable, the task of making a proper selection … becomes one of great difficulty. The lives of the working classes in large cities are surrounded by doubtful associations, and it follows that the narrow line that separates the occasional from the habitual criminal is often most difficult to define, requiring the most minute inquiry to ensure a correct opinion as to the exact status of each offender.[131]

Southwark police reported that Francis Johnson, for example, a 32-year-old bricklayer sentenced at the Old Bailey in January 1881 to five years for wounding his common-law wife, had lived for only a short time at his most recent address and that nothing could 'be ascertained respecting his antecedents'. Interviewed by Farquharson, Johnson gave the name of a builder he had worked for, located somewhere on the Old Kent Road, along with his foreman, now employed on a building near Chelsea Barracks, and that of another builder, for whom he had worked 'on a large building close to London Bridge Station'. Prior to this he had served as a private in the Royal Bengal Fusiliers. Responding to Farquharson's request

[130] TNA PCOM 3/644; *Liverpool Echo*, 20 February 1880, p.4.
[131] *RDCP 1884-85*, p.13.

for further information, Southwark Police drew a blank both in Southwark and in Chelsea; a builder on Old Street recalled the London Bridge job, but nothing of Johnson nor of the foreman he had named. Were it not for an eventual response from his former regimental headquarters in County Kildare, confirming his honesty, industry and 'fair' degree of sobriety, he would no doubt have been classified as an ordinary convict.[132]

If convict administrators often went to great lengths to establish a convict's eligibility for the star class, so too were they likely to give a prospective candidate the benefit of the doubt. Nineteen-year-old Thomas Jordan, for instance, had been sentenced in August 1880 to five years for breaking into a warehouse and stealing eighteen pairs of boots. Manchester police described his habits as 'very loose & idle', while noting that he had failed to obtain work since leaving the reformatory school to which he had been sent in 1875 for stealing fruit. The school's superintendent, however, reported that his conduct there had been 'on the whole good', and this gained him admission to the division.[133] Similarly, good reports from local farmers and a vicar regarding Charles Heywood, a 24-year-old Leicestershire collier, sentenced in July 1879 to five years for wounding another man with a knife, outweighed a police superintendent's assessment of him as 'a drunken idle reprobate'.[134]

Directly contravening the Kimberley Commission's original recommendation, moreover, though in line with the Home Secretary's subsequent ruling that an earlier conviction for a 'trivial' offence should not result in their automatic disqualification, convicts who had already been to prison were occasionally classified as star men. John Jones, for instance, a 32-year-old road labourer from Jarrow, County Durham, had served a month in prison in 1872 for disorderly conduct prior to receiving a five-year sentence in June 1880 for what a magistrate described as 'about as dastardly attack upon a wife as he had ever heard of'. Durham police, however, confirmed that Jones was honest and industrious, albeit 'drunken & violent', and he was assigned to the star class.[135] Similarly, Jersey oysterman James Edwards, aged 38, had been sentenced to a month in January 1880 for assaulting his wife and her parents; within a day of his release, he then committed a further assault upon his father-in-law, for which he had received five years. His place in the star class was secured by the

[132] TNA PCOM 3/703.
[133] TNA PCOM 3/663.
[134] TNA PCOM 3/624.
[135] TNA PCOM 3/663.

island's Chief Constable, who confirmed that he was honest, reasonably industrious and 'of good family', albeit 'given to bouts of drink, and when in liquor dangerous.'[136]

## An effective prophylactic?

Given the aim of weeding from the star class Du Cane's 'masters and leaders in crime' – men, that is, in whom the absence of a previous conviction indicated nothing more than guile - it is unsurprising that 'honesty' came to be regarded as classification's key criterion. Conversely, 'sobriety', 'industry', 'class of life' and 'mode and habits of life' were often treated as immaterial (indeed, so much so that one cannot help but wonder why convict administrators continued to include them on the enquiry form).[137] Sobriety, in particular, appears to have been viewed ultimately as irrelevant in this context, due not only to a sentence of penal servitude serving as a brake on an individual's drunkenness and any behaviour resulting from it, but also because a range of putatively 'accidental' offences, whether against property or the person, were often blamed in the first place on their perpetrator having succumbed to drink. The chief objective of conducting background checks was, then, to keep hardened property offenders from entering the star class. Was the system, in its own terms, a success?

Radzinowicz and Hood, somewhat paradoxically, dismiss the checks, not only as excessively stringent, but as of negligible value in preventing contact between first offenders and experienced criminals.[138] The latter charge was also one occasionally made by contemporaries. George Bidwell, for instance, claimed that many convicts 'succeed, through changes of appearance as they grow older, in concealing their former convictions, and mingling with the genuine "star" men render futile most of the precautions adopted'; convicted in 1873, however, and sent to Dartmoor, his was not a first-hand observation.[139] The Howard Association, following the extension in 1897 of first-offender classification to local prisons, reported that a female prisoner had 'claimed classification as a "star," although fifty previous convictions had been recorded against her'. A male prisoner, similarly, was supposed to have 'indignantly exclaimed: "Not put me in the star class! Why I've been in the

[136] TNA PCOM 3/655; *Jersey Independent and Daily Telegraph*, 24 January 1880, p.4, 6 March 1880, p.2.
[137] Respondents seem to have found 'class of life' particularly confusing. With regard to Hugh McCarron, for example, a 43-year-old insurance agent sentenced at Liverpool Assizes in November 1881 to five years for embezzlement, replies were as follows: 'middle class'; '(a) highly respectable man – employed about 16 men (b) single man'; 'religious'; 'respectable'; 'lower middle class'; 'I always thought him a good man'. One respondent simply admitted, 'I don't quite understand the question as here put'. TNA PCOM 3/726.
[138] Radzinowicz & Hood, *Penal Policy*, f.n.93, p.549.
[139] Bidwell, *Forging his Chains*, p.417.

star class in nearly every jail in England!"'[140] "Gentleman" George Smithson, a career thief-turned-prison memoirist who in the early 1920s (as discussed in Chapter 4) spent time in Maidstone convict prison, recalled that it had 'rather amused me to discover that some of the swell crooks … were what is known as "star" prisoners.' This was 'not through any particular virtue on their part, but because they had been much too clever to be found out.'[141] As Smithson explained to his readers, having been sentenced to penal servitude, 'the intelligentsia at the Home Office go through your dossier [and] segregate you according to your record'; perhaps, he mused, 'the powers that be have a method of their own in defining your more gracious qualities'. If so, it was ineffective, as '[s]ome of the biggest crooks in creation, men who have robbed the public of millions of pounds, have been "stars".'[142]

Arguably, this was an accurate observation. Such men, however, as Chapter 4's examination of Maidstone's star class makes clear, were less 'swell crooks' than what would later be termed (albeit problematically) 'white-collar criminals'; a later incarnation, that is, of the 'gentleman convicts' we have already encountered (Smithson, the 'gentleman thief', a quite different animal). Indeed, the present study's analysis suggests that claims such as Bidwell's and Smithson's were largely fanciful. Experienced property offenders, as we shall see, were wholly absent from the convict star class at the end of the Edwardian decade, while in the system's early years, extant enquiry forms suggest a rigorous selection process that filtered out, not only men suspected of property crime or known to associate with thieves, but numerous 'first offenders' who in fact turned out to have previous convictions. Among the disqualified, moreover, were convicts of the exact type feared by Du Cane as capable of ruining the entire star class 'experiment': older men who, despite long histories of property offending, had hitherto managed to evade detection and conviction. In this respect, the system of checks Du Cane initiated was not only successful but, as he observed with satisfaction in 1880, 'fully justified'.[143] A 60-year-old man convicted as 'John Smith' at Middlesex Sessions in July 1882, for instance, having been found in possession of 'a case of skeleton keys of very skilful manufacture' following an attempted burglary in Gunnersbury, West London, was identified by Scotland Yard as a known 'thief & receiver' named Clewes. Originally from Macclesfield, Clewes had 'never worked' and 'generally had a number of

[140] *Howard Association Report* (October 1899), p.7.
[141] George Smithson, *Raffles in Real Life: The Confessions of George Smithson alias "Gentleman George"* (London: Hutchinson & Co, 1930), p.85.
[142] Ibid.
[143] *RDCP 1879-80*, p. xiv.

expert burglars residing at his house'; 'known as "the Surveyor,"' according to police at his trial, 'he generally managed to avoid all consequences by confining his share of the work to examining the houses and planning the attack'.[144] Similarly, a 44-year-old man from Clapham convicted as 'John Watson' at the Old Bailey in October 1880 was identified by Scotland Yard as Hugh Murray, who had 'throughout his life been a thief and a forger'. Sentenced to seven years for altering bank documents, which allowed an American accomplice to cash £100-worth of stolen credit notes, Murray was described by City police as a 'receiver of stolen bonds', generally found 'travelling on the Continent', and the associate of 'thieves, forgers & receivers of stolen property'.[145]

Men sentenced for the latter offence tended, as the Kimberley Commission had recommended, to be rejected from the star class regardless of the quality of their references. Edward Blakemore, for example, a 33-year-old Birmingham gunsmith convicted in October 1882, might at first glance be imagined an ideal star-class candidate: he was 'regarded as honest' by Worcestershire police, and by a fellow tradesman as 'strictly honest', 'strictly sober and careful' and 'very respectably connected'. Nevertheless, he was classified as an ordinary convict, having been sentenced to five years for receiving two stolen silver cups, an offence compounded by suspicion that he had melted similar items to make silver plate for guns.[146] Such prisoners, however, unlike those convicted under the sodomy laws, were not subject to an automatic ban: like any other first offender, they were first investigated and their antecedents assessed. Hence a man convicted of receiving might occasionally find himself in the star class: 28-year-old Gloucester labourer James Newman, for instance, became a star man despite being identified by magistrates as one of two 'principal participators' in the disposal of jewellery worth £1,000 stolen from a Birmingham hotel.[147]

Like a conviction for receiving, the suspicion of sustained or repeated property offending might also serve as grounds for rejection. Scotland Yard confirmed 30-year-old Henry Simpson of Hoxton, for example, as sober, industrious, 'decent' and 'respectable'. The theft of £50-worth of cloth from the London and North-Western Railway, for which Simpson was sentenced to five years in December 1881, was, however, believed to be only one of a series of offences committed during the six months he had worked for the company as a carter, the

[144] TNA PCOM 3/738.
[145] TNA PCOM 3/734.
[146] TNA PCOM 3/746.
[147] TNA PCOM 3/740.

proceeds of which amounted to over £200.[148] He was therefore classified as an ordinary convict, as was 'decent' and 'respectable', Samuel Pether, aged 51, discovered preparing to burn down the East End pub he managed in order to defraud its insurer of £900. Pether, sentenced at the Old Bailey in December 1880 to eight years for attempted arson, 'had had previous fires', one of them 'under very suspicious circumstances' netting another £700.[149] Such cases illustrate nicely the subjective character of the star-class selection process: as we have seen, the offences of some former clerks, whose assignment to the division was little more than a formality, followed a similar pattern, though they at times involved far larger sums. George Bardrick, aged 24, to take another example, a solicitor's clerk from Kew - who, according to Scotland Yard, led a 'fast' life in the company of 'loose & gay' associates - had stolen bonds worth £10,000 along with £2,000 in cash from his employer's strong-room before fleeing to Barcelona. This led to 'the discovery that he had been robbing us' for over two years, and he was eventually sentenced at the Old Bailey in October 1882 to five years for larceny.[150] Evidently, however, the scale and persistence of his offending presented no barrier to his eventual classification: we will meet him again in the following chapter as a star man at Dover convict prison.

The assignment to the star class of a convict like Bardrick, who had engaged in large-scale theft over a considerable period of time, was just one of many inconsistencies with which the selection process examined in this chapter was riddled. Background checks, as we have seen, were successful in excluding from the star class Du Cane's 'masters and leaders in crime'. But in the grey area beyond this, as this chapter has also shown, men convicted of sustained property offending – not only embezzling clerks, but, for example, experienced burglars – sometimes found their way into the division, provided their references were decent. For the many men who received mixed references, however, classification was a toss-up that could go either way: this was, as noted at the chapter's outset, an essentially quixotic attempt at assessing individual character, and, as such, often arbitrary. Yet, more often than not, being regarded as in some way 'dishonest' was sufficient grounds for rejection (though, even here, a countervailing remark might outweigh such an assessment). Conversely, many men judged essentially 'honest' were admitted to the star class regardless of remarks indicating an

[148] TNA PCOM 3/721.
[149] TNA PCOM 3/767.
[150] TNA PCOM 3/747.

otherwise poor – drunken, idle and/or violent – character. Some of those convicted of offences against the person had even served a previous sentence for a similar offence.

Other caveats were rigidly enforced, none more so than the Kimberley Commission's original interdiction of men convicted of 'unnatural crimes', who, regardless of first-offender status (or, indeed, honesty), were classified as ordinary convicts without further investigation. Men convicted of sexually assaulting women and girls, on the other hand, would be admitted (honesty providing), unless the offence had been committed with other men and/or in 'circumstances of special brutality'. In the latter regard, the selection process was again subjective to the point of being arbitrary. Moreover, while many star-class candidates were, as we have seen, made the subject of fairly exhaustive enquiries, for others a single police reference appears to have sufficed. In some cases, it seems that an inconclusive police reference would kick-start a more thorough investigation, with convict administrators compelled to cast further afield for reliable information. But the reason for some convicts receiving a cursory investigation, and others not, is not always apparent: in some instances, the process dragged on for months; in others, investigation was little more than a formality. For one type of prisoner, however, selection was anything but capricious, the admission to the star class of 'gentlemen', regardless of character, appearing in most cases to have been a foregone conclusion.

When we turn in Chapter 4 to Maidstone convict prison in the years before the First World War, we will look again at the at the convict population produced by this improvised, and hence somewhat erratic, selection process, now thirty years on from the arrival at Chatham of the first star-class cohort. But before doing so, having now examined measures taken to prevent the division's internal contamination, we must consider those aimed at protecting star men from external contamination by ordinary convicts - that is, to their physical segregation within the convict system. In addition, the next chapter will address the question of whether star men were indeed 'treated like all other convicts' or instead enjoyed a measure of informal privilege. As we might expect the latter to be granted in relation to prison labour, it is with this aspect of penal servitude that the chapter is primarily concerned.

## CHAPTER 3: Prison labour and the star class, 1880-1909

### 'The slaughterhouse'

Built immediately to the south of Saint Mary's Island, which lies at the mouth of the River Medway's estuary, Chatham convict prison was home in 1880 to some 1,300 men.[1] It faced the naval dockyard upon which convicts had toiled since 1856, when the prison first opened, and comprised six large cell-blocks, each capable of holding up to 300 prisoners.[2] By 1882, two of these blocks had been allocated to star men.[3]

The segregation of star men from other prisoners at Chatham appears to have been rigorous. In 1890, two years before the prison finally closed, Chatham's Visitors,[4] at the request of the Home Office, investigated the treatment of Irish (and Irish-American) prisoners convicted under the 1848 Treason Felony Act for offences committed during the Fenian dynamite campaign of the 1880s, hearing evidence from staff and prisoners.[5] The prisoners in question, though held in punishment cells rather than the prison's main cell-blocks (this was one of their grievances), were all classified as star-class convicts, working alongside fellow star men in segregated work parties. Evidence given to the committee confirms that star men paraded and worked separately and, if punished, were consigned to a different set of punishment cells.[6] In the prison's infirmary, Chatham's MO reported in 1882, star men were 'kept carefully separated from the ordinary prisoners, wards having been specially set apart for their use.'[7] The extent of star-class segregation within the prison is indicated by variation in the spread of influenza during an outbreak there in August 1891: by the time the illness reached the star-class population at the end of the month, over forty ordinary convicts had already succumbed to it. Indeed, to support his conjecture that the infection had spread via direct contact, Chatham's MO pointed to the absolute physical separation of star men from ordinary convicts, arguing that had it been airborne, it would have been felt simultaneously by both. There could, he argued, 'be no more conclusive proof of the infectious nature of the

[1] *RDCP 1880-81*, p. xxiii.
[2] *RDCP 1870*, p.281; *Chatham Visitors*, p. v.
[3] *RDCP 1881-82*, p.110.
[4] Visitors had been appointed in 1880 in response to a recommendation by the Kimberley Commission for independent inspection of convict prisons; the Chatham investigation was unusual in giving them a prominent role. Radzinowicz & Hood, *Penal Policy*, pp.570-1.
[5] McConville, *Irish Political Prisoners*, pp.342-56, pp.365-77; *Chatham Visitors*, pp. iii-iv.
[6] *Chatham Visitors*, q.4685, p.131, qq.3571-3, p.104, q.1706, p.53.
[7] *RDCP 1881-82*, p.123.

disease than this', shared chapel facilities or an infected warder being the only possible way for it to have passed from one group of prisoners to the other.[8]

The regime at Chatham was considered harsh even by convict prison standards. According to its chaplain, who had also served at Portland, discipline was 'most certainly' more severe than at other establishments: 'I know myself personally', he told the Visitors, 'that I writhe under the discipline of this prison, it is so very strict.'[9] Major Edward Clayton, one of the prison's two deputy governors, confirmed that discipline at Chatham was 'stricter than it is in other prisons', including Portsmouth, his former post.[10] Tom Clarke recalled in a memoir that a journey from his cell to Captain Harris's office involved 'marching and counter-marching, marking time and all the rest of it, with as much fuss and noise of military command as I were a whole regiment of soldiers.'[11] Harris was described by former charges as a martinet.[12] The same might well have been said of Clayton, who, though he denied being 'personally committed to special precision in matters of drill', conceded that he ordered the prisoners to march before him 'in military trim'. Another of his orders stipulated that, upon returning from work, convicts should remain standing to attention until let back into their cells; as he explained to the Visitors, he objected to them 'standing about in all sorts of fancy attitudes, which I thought looked very disorderly'.[13]

No less notorious for its severity was the work performed by Chatham's convicts, who, according to one prison memoirist, nick-named the prison "the slaughterhouse".[14] The Irish nationalist MP Arthur O'Connor recalled a senior prison administrator telling him privately that prisoners there 'were made to live a life of hell upon earth.'[15] Between 1856 and the mid-1880s, convicts not only excavated the dockyard's three colossal basins, situated along the creek separating St Mary's Island from what until then had been the mainland, but surrounded the rest of the island with a two-mile-long sea wall and embankment.[16] The former task, according to the Howard Association, 'constitute[d] as hard toil as any man can accomplish', while the latter, Harris's predecessor reported, was 'very laborious, and during

[8] *RDCP*, PP 1892 [C.6737] XLII, 467 (hereinafter *RDCP 1891-92*), p.22.
[9] *Chatham Visitors*, qq.4935-8, p.140.
[10] Ibid., q.5083, p.144.
[11] Clarke, *Glimpses*, p.92.
[12] Anon., *Broad Arrow*, p.14; *Weekly Times*, 18 January 1880, p.2.
[13] *Chatham Visitors*, qq.5014-5, 5019-21, p.143.
[14] Anon., *Broad Arrow*, p.14, p.16.
[15] HC Deb 24 March 1898 vol. 55 c.871.
[16] Edmund Du Cane, *An Account of the manner in which Sentences of Penal Servitude are carried out in England* (London: Printed at Her Majesty's Convict Prison, Millbank, 1882), p.66.

the winter months very trying to the men, as many of them are almost constantly working in deep and tenacious mud.'[17] The work could also be dangerous: in separate incidents in 1885, for instance, two prisoners died from head injuries received on Chatham's public works, one having fallen from a plank onto a concrete floor, the other while demolishing an old dockyard shed.[18] In 1889, the Howard Association, which had already condemned the 'numerous injuries sustained by convicts, especially at Chatham', called for 'further care to diminish serious accidents' resulting from prisoners working on 'certain very dangerous operations'. Earlier that year, a convict had again been killed at Chatham, and another at Portland.[19]

So severe was Chatham's labour regime that it was not uncommon for prisoners to injure themselves intentionally in the hope of obtaining transfer to another prison. David Fannan, a burglar sentenced to fourteen years' penal servitude in 1876, recalled that '[a]t Chatham one Scotch convict coolly allowed his leg to be run over by a loaded wagon, and another deliberately inserted his arm within the spokes of a wheel', both acts resulting in amputation.[20] Having peaked in 1871, however, coinciding with the worst of the excavation work - which, as Home Secretary Henry Bruce acknowledged at the time, was 'very severe [and] therefore very distasteful to the convicts' - incidents of self-injury had fallen by the end of the decade.[21] Precautions taken by prison authorities no doubt helped: Edwin Bernays, Chatham's supervising civil engineer, who had seen convicts maim themselves 'over and over again', told the Kimberley Commission that 'whenever [a locomotive] engine passes the whole of the men are faced right about, and are made to stop their work and to remain in that position until the engine has passed, so that they shall not be able to throw themselves so easily under [it].'[22] Despite such measures, desperate acts of 'wilful injury' remained fairly widespread: in 1877, as Tallack reminded the Commission, they had resulted in three Chatham convicts losing forearms, and another losing a leg. Harris's predecessor had informed Tallack that men chose loaded wagons 'because the unloaded waggons would merely give them a pinch, whereas the loaded waggons would crush or sever the limb.'[23]

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[17] *Howard Association Report* (1881), p.10; *RDCP 1867*, p.191.
[18] *RDCP 1885-86*, p.24.
[19] *Howard Association Report* (1889), p.7.
[20] David Fannan, *A Burglar's Life Story: Glasgow, Edinburgh, London, Crimea &c.* (Glasgow: David Bryce & Son, 1897), p.116.
[21] *RDCP 1874*, p. vii; *RDCP 1871*, pp.268-9; *Kimberley*, qq.3293-4, p.279; HC Deb 14 February 1873 vol. 214 cc.438-9.
[22] *Kimberley*, qq.7187-90, p.589.
[23] Ibid., q.2658, p.209, q.2676, p.213; see also Brown, *English Society*, pp.95-6.

By the time the first star men arrived there, work on Chatham's dockyard was drawing to an end. Moreover, brickmaking, the prison's principal industry during the summer months, and no less arduous than labour on the dockyard basins, had ceased after 1878.[24] Nevertheless, much of the public-works labour at Chatham remained severe. In 1879, a majority of the prisoners were employed as labourers and 'excavators', engaged in such tasks as digging foundations for a 600-foot-long sea-wall on the island's north shore.[25] It is therefore tempting to conclude that Du Cane, in selecting Chatham for their accommodation, intended to subject star men to the harshest forms of prison labour. Initially, however, he had earmarked Parkhurst as a suitable location for the 'experiment', which would, as we shall see, have represented a somewhat different proposition.[26] Sensitivity to charges of favouritism might have prompted his change of mind, or it may simply have been due to logistical factors. Either way, star men arriving at Chatham in the early 1880s were confronted with prison labour at its most demanding. But was this the kind of work they actually did?

At an individual level, men assigned to the new division were, if anything, often treated more harshly than their peers.[27] As Frederick Martyn would later note, prison warders at Wormwood Scrubs 'look[ed] very sharply indeed after the "Star" men.'[28] This was perhaps intended to put paid to the notion that they might enjoy relaxations in prison discipline: as Harris observed, the star class 'depend[ed] for its success on a strict and rigid enforcement of rules'.[29] Such rigour notwithstanding, however, in a world where food, clothing and accommodation were subject to stringent regulation, there remained one aspect of daily prison life in which the individual treatment of convicts might vary significantly. This was work: inevitably, some prison jobs were far better than others. This chapter therefore looks

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[24] *Kimberley*, q.7196, p.587; see also Anon., *Seventeen Prisons*, p.71; Austin Bidwell, *From Wall Street to Newgate* (London: True Crime Library, 1996 [1895]), pp.180-81. Until 1878 (when five million bricks were made), Chatham's governor reported an annual brick production figure, but none thereafter, nor any brickmaking parties. According to Bernays, Farquharson, as Chatham's governor, 'like[d] brickmaking better than any other work, because … the men must follow the machine; they must work the machine continuously, and require very little supervision.' Indeed, so keen was he on this form of prison labour that he used the profits made from it to purchase more clay from outside the prison – some two-fifths of the total used - allowing him to employ even more convicts at the backbreaking work. Brickmaking may have ceased as a result of Bernays' testimony and/or of reduced requirement due to dockyard construction nearing an end. Appeals from local brickmakers might also have been a factor: in 1877 representatives of working men from Rochester and Chatham had appealed to Cross to limit the government's use of convict labour; some year later, a local brickmaker apparently forced the closure of Parkhurst's (far smaller) brickmaking industry. *RDCP 1878*, p.67; *Kimberley*, qq.7241-2, pp.596-7; Radzinowicz & Hood, *Penal Policy*, f.n.55, p.540; *Law Times*, May 20 1905, p.65.

[25] *RDCP 1879-80*, p. 104, p.99.

[26] TNA HO 45/9557/70327C: Du Cane to Liddell, 29 November 1879.

[27] E.g. Balfour, *Prison Life*, p.45; Hobhouse & Brockway, *English Prisons*, p.225.

[28] Martyn, *Holiday*, p.160.

[29] *RDCP 1884-85*, p.13.

closely at the work performed by star men, in order to determine whether, and to what extent, their treatment was privileged. But before addressing this question, we should first remind ourselves of the broader issues surrounding convict prison labour in the early 1880s.

## Prison labour in theory and practice

Work, observes Seán McConville, '[a]s the very name of the punishment implies … was at the heart of penal servitude.'[30] According to Du Cane, prison labour served three objectives: deterring would-be criminals; reforming convicted criminals; and recouping to an extent the costs of imprisonment.[31] Though regimes at Chatham, Portland and Portsmouth aimed to fulfil all three, public-works labour was intended above all to be painful, tedious and unpleasant. Asked by Kimberley whether it was 'sufficiently severe', Major Griffiths had assured him that 'it is as severe as it can be made.'[32] No less irksome than the nature of the work were the conditions under which it was performed. As Bernays observed, 'the men are always kept at it'; it was this that set penal labour apart from ordinary hard manual work and made it 'distressing' to convicts. A free labourer, he explained, 'will take a spell and will stand upon his spade – he will work hard for a few minutes, and will then rest for a minute or two; but a convict is never let alone, the warder is there to keep him at work'.[33] Michael Davitt, when Kimberley had remarked that free labourers, like convicts, worked outdoors during the winter, reminded him that 'on a cold day, when rain and sleet would alternate … an agricultural worker can seek shelter immediately, whereas no prisoner can leave his work until he is ordered to do so.' A free man, moreover, would be adequately clothed and fed, and 'not be compelled to work every day'.[34] Writing in 1910 in the *Hibbert Journal*, 'One Who Has Suffered It', who had been sentenced in England to six years' penal servitude and then served the term in an Australian convict prison, noted similarly that a convict 'must labour continuously, hour after hour, day after day, week after week, year after year, throughout the whole working time. … There is no respite; not a minute's rest.' No matter what form it took, prison work was 'grinding, degrading, unsuitable, weakening, stupefying'.[35]

[30] McConville, *Prison Administration*, p.396.
[31] Du Cane, *Account*, p.50; see also McConville, *Prison Administration*, p.397.
[32] *Kimberley*, q.3267, p.277.
[33] Ibid., q.7180, p.588.
[34] Ibid., qq.6529-31, pp.528-9.
[35] Anon., 'Concerning Imprisonment. By One Who Has Suffered It.', *Hibbert Journal* 8:3 (1910), pp.585-6.

Yet, somewhat paradoxically, penal labour was also supposed to reform convicts by inculcating them with a work ethic. The Kimberley Commission had been 'convinced that severe labour on public works is most beneficial in teaching criminals habits of industry'.[36] The acquisition of such habits, wrote the former MO Richard Quinton, served as 'a powerful antidote to criminal inclinations'.[37] Beyond moral improvement, prisoners might also receive training in the kind of labouring occupations that, upon release on licence from a convict prison, they could reasonably expect to obtain. The prospect, however, of 'training … to such employments as digging, road-making, quarrying, stone dressing, building, and brickmaking' can hardly have provided habitual property offenders any great incentive to mend their ways.[38]

Beyond such occupations, opportunity existed for some convicts to learn elements of a skilled trade, the more so as public-works projects reached their concluding stages. At Chatham in 1881, for instance, soon after star men began arriving there, Harris reported that the dockyard's 'advanced condition' had 'rendered the work of the past year both intricate and difficult.'[39] A year earlier, 'very accurate workmanship' had been required from stonemasons working on the basins; other convicts had worked as joiners and masons on a lecture hall at Chatham's Royal Marine barracks.[40] For George Clifton, Portland's governor, this kind of work was synonymous with penal servitude's reformatory objective: 'the reformation of the convict', he told Kimberley,

> depends upon the amount of work performed by the different trades. I never have any difficulty with men who are employed at trades; they hardly ever get a scratch of the pen against them, and they take a great interest in learning those trades; but it is the drudgery of stone dressing, at which hundreds must be employed, which is distasteful.[41]

Clifton conceded that a clerk sentenced to five years' penal servitude (and thus eligible for release in under four), who had first to spend a period quarrying, would lack the time to learn a trade properly. Many such men, however, planned to emigrate and thought 'a little knowledge of carpentering' would be useful to them as settlers.[42] The prison afforded only limited opportunities for skilled work, so assignment to a trade party functioned as a

[36] *Kimberley*, par.77, p. xxix.
[37] Quinton, *Crime and Criminals*, p.138.
[38] *RDCP 1884-85*, p. xl.
[39] *RDCP 1880-81*, pp.60-61.
[40] *RDCP 1879-80*, p.99.
[41] *Kimberley*, q.2250, p.170.
[42] Ibid., q.2249, p.170.

privilege. If abused by a prisoner through idleness or misconduct, Clifton 'immediately put him back upon the public works', the prospect acting as 'a great inducement' to good behaviour.[43]

A system of promotion and demotion, then, enabled convict prison officials partially to resolve the contradiction between penal labour's deterrent and reformatory aims. Its third function, however – the partial recovery of prison costs – complicated matters considerably. Work had to be found for prisoners that was both unpleasant enough to serve as a deterrent and useful enough to train those engaged in it for future employment. But it also had to be useful and remunerative to the public, while at the same time avoiding unfair competition with free (and increasingly organised) labour.[44] Critics of the system suspected that convict administrators, faced with this challenge, greatly inflated the amount supposedly saved by the government through its use of convict labour. Writing in 1880, the economist and journalist William Aubrey reminded readers that convict prisons cost the government £350,000 a year: Du Cane could claim that over £200,000 of that sum had been recouped via convict labour, but '[f]igures can be made to prove anything'. Aubrey had 'strong reason to doubt the practical value and utility' of much of the work done by convicts.[45]

At worst, it was feared that the convict system, far from performing useful work, drained the public purse to no practical purpose whatsoever. Writing in 1879, 'a Ticket-of-Leave Man' had described men at Dartmoor moving large stones pointlessly around a field, and 'destroying a hill and wheeling away the earth to fill up a valley a quarter a mile away', only to carry it all back again the following summer.[46] Such anecdotes persisted: a quarter of a century later, Henry Montgomery, a mining company secretary sentenced in 1898 to five years for fraud,[47] who upon release published several articles criticising the convict system, recalled that at Parkhurst his work party's sole task had been to weed the same piece of ground over and over again. He also pointed out the absurdity of men working on the prison's farm harnessed to carts when its three perfectly healthy horses had to be taken out walking because they lacked exercise.[48] Whether exaggerated or not, stories of this kind underlined the challenge of securing work that both met the needs of the Convict Service and

[43] Ibid., qq.2256-7, p.171.
[44] On the latter see McConville, *Local Prisons*, pp.253-64.
[45] W.H.S. Aubrey, 'Our Convict System', *London Quarterly Review* 53:106 (1880), p.430.
[46] Anon., *Convict Life*, pp.57-8, p.67.
[47] TNA CRIM 9/45; *London Daily News*, 11 January 1899, p.4.
[48] *The Law Times*, May 20 1905, p.65.

was appropriate for prisoners. As Du Cane had reminded Kimberley, '[t]o find work for 10,000 people is a most difficult matter.'[49] Bernays identified the provision of employment during winter, when frost or snow prevented brickmaking and building, as 'one very great difficulty with convict labour'; at Chatham, the men collected firewood, straightened rails or did 'anything that can be found for them.'[50] Above all, convicts had to be kept working; set against this imperative, cost and utility were, even for Du Cane, secondary considerations.[51] By the end of the 1870s, as the extension of dockyards started decades earlier at Chatham and Portsmouth began to near their completion, this perpetual difficulty threatened to explode into a full-blown crisis. Writing in 1880, Du Cane urged the government to make a swift decision regarding the future employment of convicts, warning that at Chatham within a year 'many hundreds of men … will be without employment.' Further delay 'would result in our having hundreds, or perhaps thousands, of men on our hands in idleness'.[52] A year later, he estimated that by 1884 at least 1,500 convicts would be without work, or more 'if the tendency of recent years to a small gradual increase in [their] number' continued.[53]

Two other interrelated aspects of convict labour exacerbated the problem still further. First, as we have already seen, was the concern that public-works labour was easier for some prisoners to bear than others, the principle of uniform punishment notwithstanding. According to Portland's chaplain, agricultural workers or coal-miners convicted of poaching 'care[d] little for the hardest labour you can put them to', having 'frequently gone forth to their nightly raid after a hard day's work in the coal pit, the smelting house, the forge, or the ploughing field.'[54] By contrast, as Captain Harvey informed the Kimberley Commission, 'the punishment to a man of education, who has never been accustomed to hard labour, is far more severe than to a navvy, or to a man who has been accustomed to that kind of labour.'[55] Responding to the Commission's report in a memo to Liddell, Du Cane explained that

> Perfect equality would … require that each prisoner should suffer exactly the same amount of pain and discomfort from his sentence, and would provide for each employment equally suited, or equally unsuited, to the conditions of his former life, but,

[49] *Kimberley*, q.13494, p.1094.
[50] Ibid., qq.7235-8, pp.595-6.
[51] Ibid., qq.13493-4, p.1094.
[52] *RDCP 1879-80*, p. xxv.
[53] *RDCP 1880-81*, p. xlii.
[54] *RDCP 1875*, p.408.
[55] *Kimberley*, q.910, p.76.

> in practice, we are obliged to distribute the prisoners as well as we can among the prisons, and there employ them on such work as they may be able to get… [56]

Moreover, due to the variety of tasks it demanded, even two very similar prisoners might experience public-works labour in different ways: men were 'employed on whatever work it may happen to be', Du Cane informed Kimberley, the nature of the work changing 'from year to year and from day to day, so that a convict, when the clay digging is finished at Chatham, will not be employed in the same way as a man who was sentenced before it was finished.'[57] Uniform punishment was a chimera: the Convict Service could not reasonably 'hope to attain greater justice and equity than Providence has ordained for the rest of the world.'[58]

Related to this issue was another: the increasing number of convicts found unfit to perform work of this kind, a perennial concern among convict administrators and officials. As early as 1858, just six years after the prison opened, Portsmouth's MO complained that the men now sent there were 'of a very inferior quality … with reference to health', drawn as they were from 'the large towns and manufacturing districts' and not, as before, from 'the agricultural population, possessing more vigorous health.'[59] Ten years later, Du Cane's predecessor, Edmund Henderson, noted as 'a remarkable fact' the 'general deterioration in the physical condition of the class of men now received into the convict prisons'. Whereas 'a few years back the large majority of convicts were men of robust health and appearance', many were now 'of weakly enfeebled constitutions and unfit for hard labour on the public works'.[60] Another decade on, the Kimberley Commission heard similar observations from several witnesses. Clifton, for instance, informed Kimberley that over the past fourteen years, the 'physique of the men' had 'totally changed'. Portland's population had once included 'a large number of the better class of mechanics', but now the prisoners were 'the arabs, the thieves, and roughs of the large towns', men 'broken down in constitution from vice and debauchery and everything else.'[61] The Convict Director William Fagan concurred: men sent to convict prisons had 'materially fallen off in strength and robustness most certainly', and now represented 'the waste of all the large towns, and of London

[56] TNA HO 45/9557/70327C: Du Cane to Liddell, 29 November 1879.
[57] *Kimberley*, q.13465, p.1091.
[58] Ibid., q.13471, p.1092.
[59] *RDCP*, PP 1857-58 [2423] XXIX, 483, p.170.
[60] *RDCP*, PP 1867 [3928] XXXVI, 1 (hereinafter *RDCP 1866*), p.6.
[61] *Kimberley*, qq.2314-6, p.177, q.2546, p.199.

particularly.'[62] The 'criminal class', remarked Portland's MO, were 'not nearly the vigorous set that they were when I first joined the service 19 years ago.'[63]

Du Cane, alone among the Commission's witnesses, dismissed the notion of 'a material falling off in the physique of the prisoners'.[64] But whether accurate or not, a perception of convicts as enervated specimens led to their classification by convict prison MOs as unfit for hard labour in ever increasing numbers. In 1881, just over a quarter of all newly sentenced male convicts were passed as either fit only for 'light labour' (21.5 per cent) or unfit for any work at all (3.6 per cent). By 1898, this figure had almost doubled (to 36.6 per cent and 7.6 per cent respectively).[65] The exact definition of light labour varied from prison to prison.[66] At its more strenuous, it might involve breaking stones or laying bricks out to dry.[67] At Portland in the late-1870s, aside from the seventy-odd men who at any one time occupied the prison's infirmary, 'a Ticket-of-Leave Man' calculated that roughly 180 prisoners (around eleven per cent of the prison's total population) were employed either as tailors or laundrymen in two 'doctor's parties', or in two further light labour gangs, picking oakum and breaking stones.[68] At Chatham, similarly, the MO prohibited 'doctor's men' from filling wagons with clay or wheeling barrows up steep inclines, while 'light labour men', according to Bernays, broke stones or performed such tasks as pulling thistles.[69]

To accommodate the sheer number of unfit prisoners, a network of invalid and light labour prisons grew up alongside the principal convict establishments. Woking invalid convict prison, essentially a large infirmary, opened in 1859 and closed twenty-five years later (the first convict establishment to fall victim to the drop in convict numbers discussed below).[70] In addition, Dartmoor, since opening in 1850, had mainly held aged convicts and others passed unfit for hard labour.[71] The stronger among them, who were set to work cutting turf or reclaiming bog land,[72] might have regarded 'light labour' as something of a technical distinction: working 'nearly knee deep in water and mud, and where no shelter from sudden

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[62] Ibid., q.8872, p.718.
[63] Ibid., q.9136, p.739.
[64] Ibid., qq.13152-3, p.1067.
[65] *RCPDCP 1897-98*, pp.27-8. Due to a sharp decline in convict numbers discussed below, this amounted to 7,684 men passed fit in 1881 against 1,296 in 1897-8.
[66] *Kimberley*, q.2006, p.148.
[67] Ibid., qq.914-5, p.76.
[68] *Weekly Times*, 7 November 1879, p.2.
[69] *Kimberley*, q.7178, p.588.
[70] *RDCP 1859*, pp.297-8; *RDCP 1860*, p.318; *RDCP 1885-86*, p. x.
[71] Campbell, *Medical Officer*, p.33; *RDCP 1866*, p.8.
[72] Campbell, *Medical Officer*, p.33; Basil Thomson, *The Story of Dartmoor Prison* (London: William Heineman, 1907), p.270.

storms is procurable', land reclamation, observed Dartmoor's governor in 1864, could prove 'very trying to invalids'.[73] The prison's weaker and elderly men were, however, spared the elements, and laboured instead as tailors and shoemakers in large indoor workshops.[74] At Brixton prison, converted in 1870 from a female convict prison to a light labour male convict establishment, all prisoners worked indoors, employed at such occupations as shoemaking, weaving and basket-making – and, as we shall see, printing.[75] When Brixton then became a local prison in 1880, its indoor workshops were replicated at the newly built convict prison at Wormwood Scrubs, which opened in 1883. Finally, there was Parkhurst (discussed fully below), which, like Brixton, had been a female convict prison until 1869, housing thereafter mainly invalid, elderly and disabled male convicts, along with others termed 'weak minded' or 'imbecilic'.[76] Writing in 1879, the prison's MO noted that 'to find work for so helpless and crippled a class of invalids' presented the 'greatest difficulty'.[77] Outdoor labour at Parkhurst was confined to the prison farm; convicts otherwise worked mainly in indoor workshops as tailors and shoemakers.[78]

During the Kimberley Commission's hearings, it emerged that the need to obtain remunerative work for light labour parties, coupled with the requirements of those bodies from whom work was contracted, could result in some prisoners being spared public-works labour altogether, regardless of their physical condition. Du Cane acknowledged that, in principle, all convicts passed fit should spend at least part of their sentence employed outdoors on public works. But, he added, 'sometimes we get certain work to do, in order to carry out which we are obliged to modify that rule.'[79] As he later explained in more detail, '[i]n order to obtain an outlet for our manufactures, we are obliged to furnish certain supplies at definite times for own use, and to enter into agreements with those Departments which take the produce of our labour'.[80] In a memo to Liddell, he gave as an example 'our engagements to furnish boots for the [Metropolitan] Police, and to do tailoring work'. To meet such orders, the Convict Service had 'for some years past … been obliged to instruct prisoners in such trades at Pentonville and if convenient, to keep them employed on that work after passing [the first] stage.' Prisoners could expect to remain employed at these trades 'if they

[73] *RDCP 1864*, p.176.
[74] Campbell *Medical Officer*, p.33.
[75] *RDCP 1869*, p. viii; see also McConville, *Prison Administration*, p.416.
[76] *RDCP 1869*, p.334.
[77] *RDCP 1878*, p.291.
[78] *RDCP 1872*, p.367.
[79] *Kimberley*, q.13492, p.1094.
[80] *RDCP 1879-80*, p. xx.

do very well in them'.[81] According to Fagan, however, who was the Director responsible for Brixton, the practice was simply to employ convicts who were already skilled tradesmen. Every prisoner working in Brixton's workshops, he informed Kimberley, had 'either been tailors or shoemakers outside'.[82] Thomas Harris, the prison's steward in charge of manufacturing, confirmed that well-behaved tailors and bootmakers were spared public-works labour, remaining instead at Brixton, employed at their previous trade.[83] Asked by Kimberley whether he thought it 'strictly just that a man should obtain what is really a lighter punishment' due to his former trade, Fagan replied that because such prisoners worked 'for the benefit of the country … they get exempted from going on the hard work.'[84]

A similar arrangement profited skilled printers, who, Harris confirmed in response to probing from Kimberley, were 'sure to remain at Brixton' for their entire sentence.[85] The prison's print shop, which was moved to Millbank shortly after Harris gave his evidence, and subsequently to Wormwood Scrubs and then to Chatham, was responsible for producing the large volume of paper forms required by the Prison Commission and the Convict Service.[86] Fagan confirmed as correct Kimberley's impression that while other prisoners were subjected to the 'most severe punishment' of labour 'upon the clay', a qualified printer, due to the shortage of such men among the convict population, would instead 'simply have to perform his ordinary labour in the workroom at Brixton'.[87] Challenged on this disparity, Du Cane simply responded that 'printing is wanted to be done, and, therefore, we must select printers'. Only around a dozen men obtained the advantage and, besides, 'absolute equality as between one man and another is impossible.'[88] The Commission was moved, nevertheless, to remark that in absolving printers from 'hard work in the open air', the principle of uniformity had been 'seriously infringed'. Though 'fully alive to the importance of obtaining as large a return as possible from the labour of convicts', it felt that 'the first object ought to be the infliction, as nearly as may be, of equal punishment'. Reduced costs or convenience were 'not sufficient to justify the entire exemption of a particular class of artisans from the severe penal labour which is undergone by other less fortunate prisoners.'[89] Du Cane appears, at

[81] TNA HO 45/9557/70327C: Du Cane to Liddell 29 November 1879; *RDCP 1879-80*, p. xx.
[82] *Kimberley*, q.8912; p.721.
[83] Ibid., q.4138, p.329.
[84] Ibid., q.8914, p.721.
[85] Ibid., qq.4134-6, p.329.
[86] Anon., *Seventeen Prisons*, p.63; George Griffith, *Sidelights on Convict Life* (London: John Long, 1903), pp.68-9.
[87] *Kimberley*, qq.8915-6, p.721.
[88] Ibid., qq.13463-6, p.1091.
[89] Ibid., par.124, p. xlvi.

least in some instances, to have ignored this injunction: in July 1880, for example, the Convict Directors expressly ordered Joseph Stonestreet, a Battersea printer sentenced to five years' penal servitude for stealing curtains and leather straps from railway carriages, to be transferred to Millbank, where he worked in the print shop until released in 1883.[90]

As we have seen, the Commission feared that classifying first offenders might compromise the principle of uniform punishment in a similar way.[91] With regard to the kind of 'highly educated' convict that the new division would inevitably include, however, this was seen to an extent as being in the natural order of things. Writing in the *Westminster Review* in 1878, 'G.H.' noted that convict prison governors 'endeavour to select for the less mechanical and degrading occupations … prisoners of the better educated and less depraved class' (though adding that it was 'in their power to do only to a very trifling extent, and in quite exceptional instances').[92] Edward Callow, similarly, claimed that once Dartmoor's chief warder became aware of his former social rank, he 'very kindly offered to do anything in his power, compatible with his duty and the prison rules, to put me in a better position.'[93] Callow requested promotion within the tailors' gang, to which he was already assigned, while manfully declining a permanent berth in the prison infirmary. He then spent the final year of his sentence employed as clerk to Dartmoor's Engineer of Works, engaged at the time in preparing plans for new prison buildings.[94]

If such prisoners were now to be grouped together in segregated work gangs, there was a danger that this tendency to spare them 'degrading' work would lead inevitably to the kind of 'favouritism' that, as Kimberley had been warned, would result from placing 'all the respectable men who come into prison, such as clerks, medical men, and clerical men … in one class.'[95] Indeed, the Commission had seen for itself what such favouritism looked like. A few years earlier, members of what Fagan referred to as Brixton's 'educated class' had been assigned to a (subsequently disbanded) map-making party; he recalled that '[t]hey were all clerks and gentlemen, and I think there were two clergymen amongst them.'[96] Also giving evidence to the Commission, 'C.D.', who had served part of a sentence for forgery at Brixton during the mid-1870s, claimed that it 'was acknowledged to be a privileged party, and more

[90] TNA PCOM 3/630; *London Evening Standard*, 11 October 1879, p.2
[91] *Kimberley*, par.79, p. xxix.
[92] Anon., 'Convict System', p.411.
[93] Callow, *Penal Servitude*, pp.249-50.
[94] Ibid., pp.332-3.
[95] *Kimberley*, q.5240, p.422.
[96] Ibid., q.8929, p.722.

freedom in every respect was allowed to [its] members'.[97] Supervised by a single warder, with whom they engaged in horseplay and from whom they purchased cake, Christmas pudding, sandwiches and tobacco, the party spent its spare time producing a written newspaper, to which 'every man in the room contributed … the officer did so as well.' He also brought them in the *Daily Telegraph* every morning.[98] Fagan, who largely corroborated this account, agreed 'entirely' with the suggestion made by the Conservative MP Sir Henry Holland that putting 'so many educated prisoners together' made warders 'more likely to be corrupted'.[99] For Kimberley, the map party represented a cautionary tale. As he put it to Fagan, first-offender classification, if it were to be implemented, 'should not have slightest reference to any particular class of society'.[100] When formulating the Commission's response to contamination, this precept appears to have been uppermost in his mind.

## Star-class labour at Chatham

Over the course of the 1880s, the character of prison labour at Chatham changed radically as dockyard construction ended, to be replaced by indoor work. At the beginning of the decade, however, the Admiralty remained the principal employer of Chatham's convicts, and labour still consisted mainly of heavy work such as excavating and concreting.[101] For the least fortunate, moreover, prison labour of the most arduous kind would persist into the second half of the 1880s, now in the form of levelling St Mary's Island, which decades of excavation and brickmaking had left pitted with craters up to 40-feet deep. Writing in 1885, Harris predicted that this immense task would 'form the principal work of the prisoners for some time to come.'[102] Convicts filled barges with mud dredged from the Medway, unloaded it by barrow at points along the river wall, and then carted it to wherever it was required. The process, Harris observed, was 'of necessity slow, and though the quantity moved is large, the impression upon the large area to be filled appears to be small.'[103] A year later, the territory in question remained 'very extensive, and the work in consequence tedious'; convicts would still be engaged in it as late as 1889.[104]

[97] Ibid., q.5348, p.430; q.6260; q.6272, p.505.
[98] Ibid., q.6259, q.6274, qq.6276-8, qq.6282-3; pp.505-6, q.6294, qq.6296-7, p.508.
[99] Ibid., qq.8930-3, pp.722-3.
[100] Ibid., q.8934, p.723.
[101] *RDCP 1880-81*, pp.62-3.
[102] *RDCP 1884-85*, p.14.
[103] *RDCP*, PP 1884 [C.4178] XLIII, 1 (hereinafter *RDCP 1883-84*), p.17; *RDCP 1884-85*, p.14.
[104] *RDCP 1885-86*, p.15; *RDCP*, PP 1889 [C.5880] XLI, 657 (hereinafter *RDCP 1888-89*), p.13.

Other kinds of work, however (as will by now be apparent), were available in a convict prison. As well as the gruelling labour of dredging and levelling, building work for the War Department at various sites in Chatham required the labour of skilled tradesmen, as did the final stages of work on its new dockyard. Demand for carpenters, blacksmiths and stonemasons meant that at least some prisoners at Chatham during the 1880s had the opportunity to learn the rudiments of a trade or to practice an existing one.[105] Yet the comparative advantage enjoyed by such men should not be overstated: as McConville notes, the kinds of work extolled by Du Cane as 'interesting' included stone-dressing, timber-sawing, and iron-casting and -forging, all of which 'happened to be of a particularly heavy and demanding nature'.[106] They were no doubt found all the more taxing by men restricted to a meagre diet. It is unlikely that convicts assigned to one of the prison's five gangs of 'rough carpenters', for instance, 'constantly employed' throughout 1879 in driving piles and shoring up, considered their assignment cushy.[107] But carpenters employed in '51 Party', who worked in a workshop on the island, not only sawing timber, but manufacturing and mending tool handles, ladders, buckets, barrows, wagons and many other items, perhaps felt themselves marginally better off than their peers. This party also included shoemakers, employed principally in making and repairing mud-boots.[108]

The prison itself housed a second carpenters' shop, where men assigned to a party that also included skilled painters, blacksmiths and stonemasons could be found when not working elsewhere in the prison or at one of the War Department sites. Tailors and shoemakers also worked inside the prison, making and repairing the uniforms and boots of both convicts and officers, as well as turning out coats and boots for the Metropolitan Police.[109] We can assume that at least some, if not all, of the men working in these parties had been assigned on medical grounds to light labour, but there was no designated light labour work party, and 'light labour men' also worked on the dockyard.[110] Still other prisoners worked as laundrymen, cooks, bakers and cleaners, positions coveted by convicts

[105] *RDCP 1880-81*, pp.63-4.
[106] McConville, *Prison Administration*, p.397.
[107] *RDCP 1879-80*, p.99.
[108] *RDCP 1880-81*, p.63, pp.65-8, p.72. Giving evidence to the Chatham Visitors in 1890, the prison's carpenter instructor confirmed that were two carpenters' shops at Chatham, one on St Mary's Island and the other inside the prison. *Chatham Visitors*, q.4083, p.118.
[109] *RDCP 1880-81*, pp.64-5, pp.75-87, pp.91-3; *RDCP*, PP 1888 [C.5551] LVIII, 615 (hereinafter *RDCP 1887-88*), p.13.
[110] *Kimberley*, q.7178, p.588; *RDCP 1880-81*, pp.63-4.

for the relative liberty they afforded, and traditionally reserved for well-behaved 'old hands'.[111]

As no specific record of star-class labour assignment exists, it cannot be said for certain that star men at Chatham were spared the prison's toughest work. There is, however, evidence to suggest that this may have been the case. First, we must bear in mind that the introduction of the star class at Chatham would have necessitated dividing the prison's work parties between star men and ordinary convicts. Some occupations would thus effectively have been reserved for star men, and others placed out of bounds. The clearest indication that the segregation of work parties amounted in practice to the routine exemption of star men from Chatham's heaviest forms of labour comes from the prison's chaplain, who in 1890 observed that 'many of them have not been engaged in such laborious occupations as the Prison enjoins.'[112] His predecessor, writing eight years earlier, confirms that the tailors' party, at least, was reserved for star men: noting that convicts had been employed repairing and binding school- and library books, he complained of a large number of books still awaiting repair, 'owing to the scarcity of men in the "Star Class" with sufficient knowledge of the trade to undertake the work', which, according to Harris, was performed by the tailors' party.[113] A year later, welcoming the arrival of 'a new supply of binding presses and other "plant"', the chaplain again confirmed that this 'incessant' labour was carried out entirely by star men.[114] Needless to say, repairing library books was a far cry from digging sea-wall foundations or wheeling endless barrowsful of mud across St Mary's Island. As might be imagined, such work was classed as light labour: Henry Pegg, for instance, a sixteen-year-old postman sentenced at the Old Bailey in 1879 to five years for stealing a gold ring and a test letter containing two sixpenny pieces, spent his time at Chatham working as a bookbinder, assigned to light labour due to the weak condition of his lungs.[115] The point, however, is that after November 1880, bookbinding was classed not only as light labour, but as *star-class* light labour, and was now off-limits to ordinary invalid convicts, who might instead find themselves outdoors, breaking stones and pulling thistles.

But beyond those men assigned to light labour, where might we look for a more general picture of star-class labour at Chatham? One clue is provided in an appendix to the 1890

[111] *Kimberley*, q.2248, p.170; *RDCP 1880-81*, p.65; Quinton, *Crime and Criminals*, pp.28-9, p.92.
[112] *RDCP*, PP 1890 [C.6190] XXXVII, 515 (hereinafter *RDCP 1889-90*), p.15.
[113] *RDCP 1881-82*, p.111, p.106.
[114] *RDCP 1882-83*, p.87.
[115] TNA PCOM 3/569; *London Evening Standard*, 2 April 1879, p.6; *East London Observer*, 5 April 1879, p.7.

Visitors' report, which helpfully lists the occupations since arriving at Chatham of the twenty-one star men whose conditions had been investigated, all but four of them in their twenties or thirties.[116] It is unsurprising that fifteen were employed in indoor workshops, as this was by then the norm for all prisoners at Chatham. More noteworthy are the initial assignments of the eighteen men who had arrived at Chatham between November 1881 and May 1885 - that is, well before completion of the dockyard – of whom no fewer than eight received jobs as prison domestics, six of them as cleaners and two as laundrymen. This may have formed part of a strategy for managing an atypical group of prisoners, but it also confirms that the prison's laundry and at least one of its two cleaning parties were reserved for star men. Of the remaining ten prisoners, three began their time at Chatham as tailors, two as shoemakers, two as carpenters, and three as moulders or fitters in a prison foundry built between 1883 and 1884.[117] Any men transferred subsequently to other parties remained employed in one of these occupations.

In addition to the tailors' party, we can therefore confidently identify as star-class work parties one of Chatham's shoemakers' parties, one of its carpenters' parties and one of the gangs working in the new foundry. It is, moreover, probable that star-class shoemakers and carpenters, like star-class cleaners, laundrymen, tailors and foundry workers, worked not on the public works but instead inside the prison itself. This is not necessarily to say other star men were not employed on the public works: treason-felony prisoners may well have been employed inside the prison as a matter of policy, with other star-class parties working beyond its walls. As we shall see, star men certainly performed labour of the toughest kind at Chattenden, Chatham's satellite establishment. Nevertheless, we can say with certainty that many star men worked inside the prison as tradesmen or domestics. Not only that, but Harris's own reports (discussed shortly) give the distinct impression that no star-class parties were assigned to such work as dredging and levelling. But while sedentary indoor occupations were no doubt vastly preferable to the latter, we should avoid an overly rosy view of life in Chatham's workshops. According to James Egan, arrested in possession of explosives at Birkenhead in 1884, convicted of treason-felony and sentenced to twenty years' penal servitude, seventy men worked with him in the tailors' shop. By 1890, he had spent six years there sewing mailbags, which he described as 'dirty work'.[118] Patrick Henehan

[116] *Chatham Visitors*, pp.176-7.
[117] *RDCP 1883-84*, p.18; *RDCP 1884-85*, p.15.
[118] *Chatham Visitors*, q.2327, p.71, q.2203, q.2206, pp.66-7, q.4259, q.4261 p.122; McConville, *Irish Political Prisoners*, p.352.

(referred to in the Visitors' report by his *nom de guerre*, Harry Burton), an American sentenced to life in 1885 for planting a bomb in Victoria Station, described labour in the sawpit at Chatham's carpenters' shop as 'very hard': in heavy rain the pit became waterlogged and he had once worked 'with my shoes and stockings wet from morning till night.'[119]

Henehan's party consisted of nineteen carpenters and five blacksmiths.[120] Among them was Gerald Mainwaring, the young 'gentleman' encountered in the previous chapter, whose death sentence for drunkenly shooting dead a Derby policeman had been commuted to penal servitude for life, and who had been one of the first star men to arrive at Chatham. Still there a decade later, by now in his mid-30s and described as 'a prisoner who knows what goes on in the carpenter's shop', he declined to provide the Visitors with information; released on licence in 1894, he would eventually emigrate to the United States.[121] Like Mainwaring, James Spencer, also in the carpenters' shop and of a similar age, had first arrived at Chatham in December 1880, a coalminer sentenced to twenty years for the murderous assault of a sweetheart who had jilted him.[122] The party's other members included John Saunders, aged 37, and Henry Perry, two years his junior, employed respectively as a cooper and a turner.[123] Saunders had received a life sentence in 1882 for shooting in the back a man who interrupted him burgling a mansion in Stamford Hill, Perry a twenty-year sentence in 1880 (and thirty strokes of the cat o' nine tails), following his attempt to drug and rob a grocer's clerk aboard the Metropolitan Railway and throw him from a moving train.[124]

The presence of such men in the carpenters' shop confirms that it was Harris's policy to employ younger convicts in parties where they might acquire a useful trade. Like Clifton at Portland, he recognised that limited opportunity for assignment to such parties acted as an incentive to hard work and good behaviour. At Chatham, however, only star men now received this incentive. Writing in 1883, Harris praised these prisoners' ironwork and carpentry as equal to any produced by free labourers, noting that some had learned their trade since arriving at the prison. Star men 'selected for their 'youth and intelligence' could, he

[119] *Chatham Visitors*, q.3271, q.3275, p.107; McConville, *Irish Political Prisoners*, pp.354-5.
[120] *Chatham Visitors*, q.2686, p.82.
[121] Ibid., q.3982, p.115; TNA MEPO 6/6; Anne Young, 'Gerald Mainwaring (1854 -?)', *Anne's Family History*, http://ayfamilyhistory.blogspot.com/2013/07/gerald-mainwaring-1854.html (accessed 10 April 2019).
[122] *Chatham Visitors*, q.3391, p.101; TNA HO 140/48; *Bradford Daily Telegraph*, 8 October 1879, p.4.
[123] *Chatham Visitors* qq.3522-3, p.103, q.2606, p.80.
[124] TNA HO 140/60; TNA CRIM 9/26; *London Daily News*, 7 August 1882, p.4; *Lloyd's Weekly Newspaper*, 26 September 1882, p.6.

reasoned, be taught trades easily as they had 'every inducement to exert themselves to excel in skilled labour, in order to avoid other forms of manual labour of a more toilsome kind.'[125] Two years later, he acknowledged that the 'keen anxiety' of young star men to learn a trade was 'no doubt, in many instances, due to their thereby being enabled to avoid the more arduous forms of labour, navvy work, &c., at which the majority are by necessity employed.'[126]

But were ordinary convicts, no doubt just as eager to escape 'the clay', afforded similar opportunity? It appears that they were not. Harris subscribed to a division of labour between star men and ordinary convicts, viewing the former as by nature more intelligent and adaptable and thus better suited to skilled work, of which he thought the latter inherently incapable. Indeed, writing in 1884, he seems to advocate restricting skilled work on the dockyard's final stages to a cohort of prison-trained star men at the expense of qualified tradesmen found among Chatham's ordinary convicts. Noting once again that 'the ease with which the younger [star] men acquire a trade is very remarkable', he continued:

> The main work on which the men have been employed during the past year, has been that of backing up concrete walls, and levelling and filling a large area of ground in the vicinity of the docks and basins. This work is laborious, but it does not afford much opportunity for a display of skilled labour. In consequence of the nature of the work, there has been little opportunity for instructing labourers as bricklayers, carpenters and masons. It has therefore been found necessary to remove men possessing any skills in these trades to other stations [i.e. establishments]; the finer descriptions of work still required having been entrusted to men in the "Star Class."[127]

By contrast, 'a large proportion of the excavators [were] now employed in mud barging, filling or emptying mud dredged from the River Medway', a task he regarded as 'by no means unsuitable for entirely unskilled men'.[128]

Writing a year later, Harris explained that by removing them 'entirely … from any contamination from the older and more experienced criminals', the new system of classification allowed 'men who have fallen into crime for the first time …. to make rapid progress in acquiring trades, and regular habits of which they frequently stand greatly in

[125] *RDCP 1882-83*, p.55.
[126] *RDCP 1884-85*, p. x.
[127] *RDCP 1883-84*, p.16.
[128] Ibid., p.17.

need.'[129] He seems oblivious here to the star class's heterogeneity, having nothing to say about the many older men found in the division, nor those whose professional abilities and accomplishments may already have been considerable. Nothing about disgraced physician Francis Hammond, say, or tragic Benjamin Orchard, the newspaperman who had attempted to kill his own children. Instead, Harris continued to insist that many star men had 'suffered from the undue leniency of parents in early youth', to which 'firm and consistent restraint' would provide a remedy.[130] His idealisation of a division composed primarily of young men who had been led astray and deserved a second chance was, however, at odds with the reports of his own medical officer. Within months of their first arriving at the prison, Chatham's MO attributed its high sickness rates directly to its star men, many of whom suffered from 'important physical defects, as hernia, pulmonary disease, scrofula, heart disease [and] old age', with others 'crippled by loss of limb or paralysis.'[131] For such prisoners, labour had to be 'strictly regulated'. Four years later, he noted that 'the number of chronic invalids amongst the Star Class prisoners has been steadily increasing'.[132] By the end of the decade, Harris had himself to acknowledge that overall star-class productivity was being hampered by 'the number of men who, from age or other infirmity, are incapable of working at any skilled labour'. To find work for these prisoners was 'at all times a very difficult undertaking'.[133]

Given these contrasting perceptions of Chatham's star class – as youthful apprentices on the one hand, and, on the other, decrepit invalids – a rationale for the exemption of star men from 'navvy work' becomes clear. If Chatham's work parties were to be divided between star men and ordinary prisoners, those allocated to the former would necessarily include parties such as the carpenters', in which the young and deserving might learn a trade, as well as others such as the tailors and bookbinders', where work might be found for the aged and infirm. At the same time, Harris's remarks indicate that the levelling of St. Mary's Island, the last major task in the construction of the new dockyard, was accomplished entirely by ordinary convicts. During the second half of the 1880s, this was the hardest, dirtiest and least interesting work to which prisoners at Chatham were put.

Underpinning this division of labour, as we have already seen, was concern that subjecting men unused to it to the heaviest kind of manual work might cause them permanent physical

[129] *RDCP 1884-85*, p.13.
[130] *RDCP 1889-90*, p.10.
[131] *RDCP 1880-81*, p.106.
[132] *RDCP 1884-85*, p.22.
[133] *RDCP 1888-89*, p.11.

damage. Giving evidence to the Kimberley Commission, Clifton had asserted that by sending 'educated men … on to the public works to dress stone and so on you render them unfit for the position which they have held in life; when they return to free life their hands are injured and their minds lessened in power for intellectual employment'.[134] Such fears were perhaps not entirely unfounded: in 1884, Chatham's MO noted that among star men, '[w]ounds and contusions were rather numerous, owing to many of the men not having been accustomed to manual labour previous to their conviction.'[135] William Morrish, similarly, argued that as they were 'not accustomed to laborious work', prisoners 'who have held better positions, such as the professional man, the commercial clerk [and] the Post Office man' were 'more adapted for shoemaking and tailoring'. Were classification based on previous convictions to be implemented, Morrish felt that such occupations ought to be reserved for first offenders, and the rest put to work 'excavating and building'.[136] Such an arrangement would have resembled that found at Brixton in the 1870s, except that here a convict's exemption from public-works labour would be justified not by qualification and/or aptitude for a particular trade but, rather, an inherent unsuitability for more arduous alternatives. Ultimately, Kimberley had rejected such proposals, the Brixton map party a vivid illustration of the folly of concentrating 'educated' men in particular work parties.

An arrangement of this kind, albeit in diluted form, appears nevertheless to have been tacitly established at Chatham after 1880. This was perhaps inevitable, given the attention paid at the time to distinctions of social rank, coupled with a discursive tendency to elevate the star class above ordinary convicts. The latter was evident from the very outset: in February 1880, as we heard earlier, one senior Home Office official was already referring to the new division as 'the superior class'.[137] Conversely, in 1882, Chatham's chaplain observed with satisfaction that among over 500 convicts by then admitted to the star class, only ten 'have proved themselves unworthy of the privilege, and have therefore been degraded to the common level.'[138] This reflex conception of first-offender classification in hierarchical terms was fully and enthusiastically articulated by the chaplain at Wormwood Scrubs, following the system's extension to local prisons in 1897. 'The very fact that they

[134] *Kimberley*, q.2229, p.167.
[135] *RDCP 1883-84*, p.25.
[136] *Kimberley*, q.2831, p.236, q.2853, qq.2858-9, p.238.
[137] TNA HO 45/9557/70327C: Maconochie, February 1880.
[138] *RDCP 1881-82*, p.109.

are in the "Star Class" and regarded as "First Offenders"', he wrote, 'at once raises [these men] a step above the ordinary prisoners'. Star men were

> not thieves, neither are they criminals as this term is generally understood. They are of a better stamp both socially, morally, and intellectually than the ordinary prisoners… I find among them managers, bankers' clerks, insurance agents, clerks to solicitors, in mercantile and other offices, drapers' assistants, men employed in H.M. Post Office, and similar positions of trust, most of whom have had a fairly liberal education.[139]

Setting men of this kind to toil in the mud as beasts of burden would, in the minds of prison officials, perhaps have seemed perverse.

## Chattenden and Dover

Writing shortly after the Kimberley Commission published its report, Du Cane had observed that if first offenders were to be segregated, 'a new prison will be necessary in order to effect the object completely.'[140] *Pace* Radzinowicz and Hood, who assert that 'nothing came of this', the aim would be achieved first at Dover, where a new convict prison opened in 1885, closing a decade later, and then at Maidstone convict prison, which became fully operational in 1909.[141] As early as 1882, however, star men replaced ordinary convicts at Chattenden, Chatham's satellite, which had been established in 1877 and was home at any one time to around a hundred convicts, who were employed there building artillery magazines for the War Department.[142] Located in steep hills above the north bank of the Medway, surrounded by thick forest and reached from the main prison only by a combination of boat and convict-built tramline, the prison was ideal for isolating star men from other prisoners.[143] In 1882, once its ordinary convicts had been swapped for star men brought over from Chatham, it had, as the Howard Association noted, 'practically become an establishment for a distinct category of prisoners'. The Association judged this a 'step in the right direction'.[144]

Chattenden's new arrivals might not necessarily have felt the same way. Even by convict prison standards, life there appears to have been miserable. In his evidence to the Kimberley Commission, 'C.D.', who spent three months at the prison, claimed its regime was even

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[139] *RCPDCP 1896-97*, pp.13-4.
[140] HO 45/9557/70327C: Du Cane to Liddell, 3 September 1879.
[141] Radzinowicz & Hood, *Penal Policy*, p.549.
[142] *RDCP 1876*, p. ix.
[143] Ibid.
[144] *RDCP 1882-83*, p.94; *Howard Association Report* (1884), p.13.

harsher than Chatham's. This he attributed to the warders' 'very disagreeable position', isolation and lack of company making them 'very cross and faultfinding.'[145] The prisoners' diet, moreover, was thinner than at other convict prisons: every Chattenden convict, 'C.D.' informed the Commission, 'has a craving for more food. If a prisoner has a piece of bread conveyed to him surreptitiously he would eat it most ravenously.' Some men even resorted to drinking the oil used for greasing their boots.[146] On top of that, the work itself was demanding. Over the course of a decade, convicts hollowed space for five magazines from the hillside, which they then built with concrete burned from the clay they had excavated.[147] It was also frustrating: Harris reported in 1882 that '[m]uch additional work and delay has been caused by the nature of the soil, the slopes and banks constantly slipping during wet weather.'[148]

If star men were, then, spared the worst of the labour at Chatham, at Chattenden they were less fortunate. Three magazines having been built before their arrival, they worked on the remaining two, divided into six labourers' parties, a bricklayers' gang and a carpenters' gang. The prison then closed in 1886 upon completion of the installation.[149] By this time, many of Chattenden's star men had been transferred to a new convict prison at Dover, upon which contractors began working in 1884. The first section, with capacity for 200 men, was finished by April the following year; intended to eventually hold five times that number, the rest of the prison was to be built entirely by convicts. Du Cane's plan was that its population would eventually be put to work constructing a new harbour of refuge.[150] In August 1885, fifty star men were transferred there from Chattenden, their number rising to almost 200 by the following March.[151] It would remain a star-class prison until closing a decade later.[152]

For convicts to build their own prison was nothing new. The practice was a legacy of transportation, the prison at Fremantle, Western Australia, for instance, having been built by convicts as recently as the early 1850s.[153] A decade later, men drafted from other convict

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[145] *Kimberley*, q.5477, p.438, qq.5485-8, pp.438-9.
[146] Ibid., qq. 6362-5, pp.512-3.
[147] *RDCP 1878*, p.68; *RDCP 1880-81*, p.61; *RDCP 1883-84*, pp.17-8.
[148] *RDCP 1881-82*, p.74.
[149] *RDCP 1883-84*, p.22; *RDCP 1885-86*, p.17.
[150] *RDCP 1884-85*, p. x, pp. xlii-xliv.
[151] *RDCP 1885-86*, p. vii states 25 convicts, but TNA PCOM 2/6 indicates 50, as reported in the *Dover Express and East Kent Newspaper*, 4 September 1885, p.8.
[152] *RDCP 1885-86*, p.54; *RDCP*, PP 1887 [C.5205] XLI, 725 (hereinafter *RDCP 1886-87*), p.29; *RDCP*, PP 1893-94 [C.7184] XLVII.427 (hereinafter *RDCP 1892-93*), p.29.
[153] *Fremantle Prison: Building the Convict Establishment* (Fremantle: Government of Western Australia, 2009), pp.3-8, https://fremantleprison.com.au/media/1148/fp-building-the-convict-establishment.pdf (accessed 9 May 2019).

prisons completed Chatham itself, the invalid prison at Woking, and Broadmoor criminal lunatic asylum.[154] When, in 1869, Parkhurst reopened as an invalid prison, the first convicts to arrive there were able-bodied men tasked with its conversion; others were at the same time extending Pentonville.[155] For the Convict Service, prison-building provided a welcome outlet for surplus convict labour, albeit in the short term: estimating in 1870 that the end of transportation to Western Australia would eventually result in upwards of 2,500 men joining the domestic convict population, Du Cane noted that 'the erection of the buildings to provide the increased accommodation rendered necessary' by the anticipated rise had 'provided considerable employment for prisoners'.[156]

Towards the end of 1874, work began on two new prisons, the first at Borstal, near Chatham, where the War Department planned to employ convict labour in the construction of hill fortifications, the second at Wormwood Scrubs, on the western outskirts of London, intended to replace the Millbank penitentiary. Rather than rely on contractors for the initial work, convicts this time built both establishments from the ground up.[157] Twenty years later, in his evidence to the Gladstone Committee, Colonel Michael Clare Garsia, the first governor of Wormwood Scrubs and latterly Secretary of the Prison Commission, confirmed that the prison had been built 'entirely by convicts'. As he recalled with evident pride, 'I went there when it was only fields … with a hoarding round it and there I saw it rise. We dug up the foundations and made the bricks … we built the whole of that enormous place.'[158] At Borstal, convicts escorted daily from Chatham built a block of forty cells from materials prepared by fellow-prisoners, into which they then moved, while continuing to build the rest of the prison. A year later, it held over 200 men and by April 1876 nearly 500.[159] At Wormwood Scrubs the process was similar, though to avoid a daily march of convicts between Millbank and the site, contractors first erected temporary buildings that were then occupied by just nine prisoners, who had been selected to begin the work.[160] During a severe first winter, according to Garsia, 'our only means of communication was by sleds across the

[154] *RDCP 1860*, p. xxxii, p.320; *RDCP 1866*, p.10.
[155] *RDCP 1869*, p.358, p.361; *RDCP 1870*, p. ix.
[156] *RDCP 1870*, pp. vii-viii.
[157] *RDCP 1875*, pp. vi-vii.
[158] *Gladstone*, qq.6419-20, pp.211-12.
[159] *RDCP 1875*, p. vi.
[160] Ibid., p. vii; *Gladstone*, q.6419, p.211.

snow'.[161] Within six months, the prison's population had risen to almost 200; completed in 1883, it would eventually hold over a thousand men.[162]

As well as alleviating the problem of finding them work, prison building gave convicts the opportunity to learn trades. Such opportunity was, however, reserved for prisoners of a specific type. To build Woking, men nearing the end of sentences at Portland, Portsmouth and Chatham were 'selected for their exemplary conduct on public works'; convicts 'specially selected from other prisons on the grounds of good character' worked at Parkhurst; men 'with a knowledge of useful trades' at Borstal, 'selected on account of their previous good conduct.'[163] At Wormwood Scrubs, Garsia initially 'employed 60 to 80 convicts, with very few officers' and, despite ample opportunity, 'had not an attempted escape, so interested were these convicts with the work they were employed on'.[164] Once larger numbers were employed, Garsia, like Clifton at Portland and Harris at Chatham, used assignment to a tradesmen's party as an inducement to industry and good conduct, later recalling that 'the greatest punishment I could inflict on a prisoner for scamping his work was to take him from industrial employment and put him to navvy work.'[165] As Major Griffiths, at the time Garsia's deputy, explained to the Kimberley Commission, a convict would progress from digging clay and making bricks to bricklaying and thence, if he showed aptitude, to work requiring greater skill. 'Anything like carelessness or want of anxiety to do the best' resulted in immediate removal from the party, a sanction Griffiths found particularly useful with regard to experienced tradesmen. At the first sign of trouble, a man 'who knows himself to be a good carpenter [and] is apt to give himself airs and think that you cannot go on without him' would be demoted 'to the clay… till he come to his senses, though it is a loss to the work.' This ensured that 'artisans will put forth their best endeavours'.[166]

When, a decade later, the Convict Service commenced its next major building project, this privileged form of labour was now reserved for star men. Twenty-one-year-old John Whalley, for example, the prodigious Blackburn burglar encountered in the previous chapter, wrote in a letter to his mother that transfer to Dover 'will give me an excellent opportunity of improving my knowledge in building construction.'[167] The logic here was similar to that

[161] *RDCP 1875*, p.571.
[162] Ibid., p. vii; *Gladstone*, q.6419, p.211.
[163] *RDCP 1860*, p.320; *RDCP 1869*, p.358; *RDCP 1874*, p.1.
[164] *Gladstone*, q.6420, p.212.
[165] Ibid., q.6419, p.212.
[166] *Kimberley*, qq.3418-9, p.287.
[167] TNA PCOM 3/761: October 1885.

guiding the allocation of work parties at Chatham: star men were well-suited to skilled work and deserved the opportunity to learn a trade, which building the new prison would allow them to do. At the same time, if Dover were to function as a separate establishment for star men, then its builders had necessarily to be drawn from their ranks. For Du Cane, the requirement for a star-class prison dovetailed with that of providing a new public-works convict establishment to replace Chatham and Portsmouth, where projects begun in the 1850s were now reaching completion. As a new prison would, he reasoned, soon be 'an urgent necessity', and as 'to form such a class as is contemplated … cannot be properly or completely carried out without providing a new [prison]', it made sense 'to provide a prison which will serve this particular purpose.'[168] At Dover, then, two birds could be killed with one stone.

The scheme for a harbour of refuge at Dover dated back at least fifty years, having first been recommended by an 1836 parliamentary select committee. Following the 1846 report of a second select committee, the construction of a pier began the following year.[169] This took over twenty-five years to complete, and ran wildly over budget, eventually costing the government upwards of a million pounds.[170] Plans to complete the harbour with a second breakwater then foundered, Disraeli's government finding little appetite for the massive public expenditure now proposed by yet another select committee.[171] By 1882, however, these plans were back on the table, the Dover Harbour Board, a private concern working in partnership with the South Eastern Railway and the London, Chatham and Dover Railway, now urging expansion of the harbour to accommodate increased passenger traffic via steam-packet to Calais.[172] In the meantime, Du Cane, who for over a decade had raised the spectre of convicts sitting idle once work at Portsmouth and Chatham was completed, chaired a select committee on convict employment, which sat throughout 1882.[173] Published at the end of the year, its report concluded that a large project was required, employing significant numbers over a considerable period of time. Only two kinds of undertaking fulfilled this brief: harbour building and land reclamation; the Committee dismissed the latter on security

[168] *RDCP 1878*, p. ix.
[169] HC Deb 18 July 1882 vol. 272 c.874, c.879; *Papers relating to the Employment of convicts at Dover Harbour*, PP 1883 [c.3726] LXII, 413 (hereinafter *Dover Harbour*), p.4.
[170] HC Deb 16 August 1883 vol. 283 c.779.
[171] *Report of a committee appointed to consider certain questions relating to the employment of convicts in the United Kingdom*, PP 1882 [C.3427] XXXIV, 649 (hereinafter *Employment of convicts*), p.10.
[172] HC Deb 18 July 1882 vol. 272 c.877; Alec Hasenson, *The History of Dover Harbour* (London: Aurum, 1980), pp.217-8.
[173] *RDCP 1870*, p. vii.

grounds, regarding the concentration of convicts at a single location preferable to their roaming in scattered work parties. Of the harbour proposals it considered, only two were of an appropriate scale, one at Dover and the other at Filey, on the east coast of Yorkshire.[174] To remedy an absence of raw materials at the former, the Committee also proposed a second smaller convict prison at Rye, whence shingle for making concrete could be barged some thirty miles eastward along the coast.[175] According to initial estimates, the scheme would take 1,000 convicts ten years to complete, at a cost of £79,000.[176]

In 1883, a second committee, also chaired by Du Cane, recommended that, of the two proposed sites, work should begin first at Dover.[177] The new harbour, however, was now to fulfil a three-fold purpose, serving as a military naval station as well as a harbour of refuge and commercial passenger port, its projected costs rising as a result to over a million pounds (its critics reckoned upwards of five million nearer the mark) and its duration to sixteen years.[178] That August, when Parliament was called upon to approve the Convict Service's annual grant, General Sir George Balfour, Liberal MP for Kincardineshire and a perennial thorn in the Dover Harbour Board's side, attempted to scupper the scheme via a motion to remove £16,000 earmarked for the new prison.[179] Though eventually withdrawing the motion, Balfour forced Home Secretary Sir William Harcourt to defend the proposal, which he did on the basis of its utility not to shipping, but to the Convict Service itself. Work had to be found for convicts, Harcourt explained; this was 'absolutely necessary, from all points of view ... Everybody knew that discipline depended upon affording occupation.'[180] Not only were convicts limited to certain kinds of work, but it was 'absolutely essential to have a large convict establishment under adequate control and supervision; and to justify the expenditure that would be necessary for making a large establishment, it must be a large work that would take a long time to complete'.[181] Thus, for a convict public-works project, the cost of an engineering venture was to be determined not by its scale and duration, but as an outcome of

[174] *Employment of convicts*, pp.9-10. The origins of the Scottish convict prison at Peterhead, which opened in 1888 (closing only in 2013), can be found on p.14 of the report.
[175] HC Deb 13 March 1883 vol. 277 c.388; *Employment of convicts*, pp.11-2, p.40.
[176] *Employment of convicts*, p.41.
[177] *Dover Harbour*, p.5; Hasenson, *History*, p.225.
[178] HC Deb 16 August 1883 vol. 283 cc.765-6, c.779; *Dover Harbour*, p.6; Hasenson, *History*, p.224.
[179] HC Deb 16 August 1883 vol. 283 cc.759-79; Hasenson, *History*, p..223.
[180] HC Deb 16 August 1883 vol. 283 c.764.
[181] Ibid.

a particular form of penal practice. For this convoluted purpose, only 'harbour works, and harbour works not of a small, but on a large scale' would suffice.[182]

Harcourt then reassured the scheme's critics that the sum in question was intended solely for the prison itself, which he estimated would take three years to build, eventually costing £65,000. Until it was completed, nothing more would be requested, but without this sum the government 'would be really driven into a corner.'[183] Besides, the harbour itself would not then be finished for another sixteen years, as the 'object was not to have the work rapidly done, but rather to have it done slowly; because during the whole of the time the convicts would be usefully employed'.[184] This was seized upon, not least by Sir Edward Watkin, Liberal MP for Hythe, who as chairman of the South Eastern Railway had a marked interest in the harbour's reasonably swift completion. Why, he asked, did the government 'say it was most essential to give a harbour at Dover … and then say they must take 16 years to complete the work … when every practical man knew that it could be done in four?' It should not, he insisted, 'be dawdled over'.[185] His colleague, Henry Labouchère, one of two members for Northampton, agreed: if the harbour was necessary then work on it should begin at once. It was 'preposterous' to contend that, 'whether the construction of harbours was desirable and useful or not, work would have to be found [for convicts], and money would have to be spent'.[186]

Preposterous or not, a new convict prison now began to rise on the clifftop to the east of Dover Castle, the Convict Service having acquired from the Ecclesiastical Commission land overlooking the site of the proposed second pier (with access to the seafront via a footpath tunnel built in 1870).[187] From it, Whalley wrote to his mother, soon after arriving there in August 1885, 'you can see the chalk cliffs in France almost any day.'[188] George Bardrick, the solicitor's clerk encountered in the previous chapter, who, it will be recalled, had absconded to Barcelona with £12,000 stolen from his employer, reflected in a letter to his

[182] Ibid. cc.764-5.
[183] Ibid. c.767.
[184] Ibid. cc.766-7.
[185] Ibid. c.774; C.W. Sutton, 'Watkin, Sir Edward William, first baronet (1819-1901)', in *Oxford Dictionary of National Biography* (Oxford: OUP, 2004), https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/36762 (accessed 10 April 2019).
[186] HC Deb 16 August 1883 vol. 283 c.777.
[187] Hasenson, *History*, p.221; *Dover Harbour*, p.4; HC Deb 16 August 1883 vol. 283 c.769; Lorraine Senicle, 'Langdon Prison' (2016), 'East Cliff and Athol Terrace' (2013), *The Dover Historian*, https://doverhistorian.com/2016/03/26/langdon-prison/ https://doverhistorian.com/2013/10/24/east-cliff-and-athol-terrace/ (accessed 10 April 2019). Senicle is useful but ultimately unreliable, e.g. placing Balfour at Dover.
[188] TNA PCOM 3/761: October 1885.

wife that 'this very cliff the prison is built upon is the one I said Bye Bye England to'. A year earlier, Bardrick had requested a transfer from his Chattenden work party as the labour there 'was too hard for his state of health'; Dover, he now felt, was 'a change for the better.'[189] Whalley, similarly, reassured his mother that he was 'getting on very well'; 'I consider myself quite at home', he added.

Both men had been among the first draft of fifty star men transferred from Chattenden, who, arriving at Dover Priory station on the last day of August, handcuffed in pairs and chained together in columns of ten, were loaded onto omnibuses and driven 'rapidly through the town and up Castle Hill' and then 'marched across the fields to their new home by the sea.'[190] The convicts were met at the station by a crowd of curious onlookers and, according to Bardrick, 'received quite an ovation' on their way to the prison, where more spectators had gathered (among them, he claimed, in what may have been a novelistic touch, a former neighbour and his two young daughters, who had failed to recognise him). A correspondent for the *Dover Express* followed the procession, and appears to have been forewarned about the type of convicts a contingent of star men might be expected to contain. The new arrivals, he reported, were 'a rough stalwart set of men, the gentlemanly convicts evidently having been reserved for the later arrivals'.[191] Convict garb and an absence of whiskers could be deceiving: in addition to Bardrick, the draft included both Francis West and George Gardner, whom we met in the previous chapter, bona fide gentlemen of independent means, each convicted of drunkenly shooting his wife.[192]

Two months earlier, Du Cane had written to Harcourt, urging him to decide on a precise location for the second prison to be built at Rye, so that work could begin there too.[193] By this time, however, the political will to build a new harbour, as opposed to merely a prison, had faltered. In February 1886, General Balfour attempted without success to obstruct the government's request for £300 to conduct a preliminary survey of the proposed site.[194] But the following May, the scheme's opponents managed to block a further £800 intended for the same purpose.[195] Harcourt, by now Chancellor of the Exchequer, again emphasised that it was 'absolutely essential' to find work for convicts, and that this work had to 'employ a large

[189] TNA PCOM 3/747: October 1885.
[190] *Dover Express and East Kent Newspaper*, 4 September 1885, p.8.
[191] Ibid.
[192] TNA PCOM 2/6.
[193] TNA HO 45/9628/A22159: Du Cane to Harcourt, 11 June 1885.
[194] HC Deb 19 February 1886 vol. 302 cc.728-755.
[195] HC Deb 03 May 1886 vol. 305 cc.153-80.

number of men in the same place for a long time, as otherwise we could not afford to build a prison for them.'[196] But why, critics asked, was a survey of the harbour to be conducted only now, with the prison already half built? Either it was a fig leaf and the government had already decided to build the harbour, blackmailing Parliament into first paying for the prison in order to secure its commitment to further expenditure, or it had committed the folly of erecting the prison without first determining whether the proposed harbour was itself viable.[197] As far as the Liberal member for Bradford West, the worsted magnate Alfred Illingworth, was concerned, it would at this stage have been 'infinitely cheaper to apply a little dynamite to the convict prison' and find work for the prisoners elsewhere.[198] After this, nothing was heard of the harbour for another five years, and of convicts building it ever again.

Yet work continued on the new prison. In May 1886, a reporter for the *Dover Express*, granted a tour of the establishment, remarked on the 'wondrous cleanliness' of the completed cell block, its gleaming floors and roomy cells. Outside, he found convicts busy laying the foundations of a second block.[199] The wisdom of this continued activity was questioned the following year, as MPs once again debated the Convict Service's annual grant, George Shaw-Lefevre, formerly Gladstone's Postmaster General and now in opposition as the Liberal MP for Bradford Central, noting that as 'apparently, all idea of extending the harbour has been dropped', the prison was itself now 'useless'.[200] Salisbury's Treasury Secretary, William Jackson, while acknowledging that 'there has been nothing done as regards the harbour', confirmed nevertheless that the new government was 'taking the only economical course we could - namely, to continue to employ the convicts in building the prison'.[201] By 1887, the second block was finished, along with access roads, parade grounds and water reservoirs; the completion a year later of a third block, along with an infirmary, brought the prison's capacity to 600.[202] A planned fourth block, however, remained unbuilt and, as we shall see, the second and third blocks were never occupied. As to the star men themselves, the reports of Dover's successive governors and chaplains surpassed even Harris in their approbation. An 1887 chaplain's report noted the prisoners' 'high moral and religious character', while the

[196] HC Deb 19 February 1886 vol. 302 c.733.
[197] Ibid. c.728 c.735 c.745 c.752; HC Deb 03 May 1886 vol. 305 cc.154-5 c.160.
[198] HC Deb 03 May 1886 vol. 305 c.173.
[199] *Dover Express and East Kent Newspaper*, 21 May 1886, p.8.
[200] HC Deb 22 August 1887 vol. 319 cc.1471-2.
[201] Ibid. c.1473.
[202] *RDCP 1886-87*, p. vii, p.26; *RDCP 1887-88*, p. 28.

prison's final governor, writing in 1894, shortly before its closure, felt that it 'would be difficult to find anywhere more willing, intelligent, and industrious men than they are as a body, or any more easily managed, notwithstanding the desperate nature of their crimes in many cases and the extreme length of their sentences.'[203]

But despite its uplifting location, spotless accommodation and model prisoners, the new prison was nevertheless doomed, its fate ultimately sealed by a steep and unexpected decline in the convict population, in line with that of English prisons overall, which would continue without interruption until the end of the century (rising again thereafter before dropping to unprecedented lows during the interwar period).[204] In 1870, the number of prisoners (of both sexes) serving sentences of penal servitude in Britain as a whole had stood at almost 12,000; it then remained roughly level at around 10,800 throughout the second half of the 1870s. By 1883 this figure had dipped to slightly over 10,500; a decade later it had more than halved.[205] The causes of this drop lie beyond our present scope; suffice it to say that alongside a diminishing rate of reported crime, itself no straightforward indication of a decrease in the amount of crime actually committed, they included changes in sentencing patterns and in the sentencing options available to the courts.[206] Its aetiology aside, however, we can observe that this reverse took Du Cane entirely by surprise. In 1881, he had warned of 1,500 idle convict hands within three years, with more to follow, urging the government to find new public-works projects to replace those at Portsmouth and Chatham.[207] Five years later, by contrast, we find him observing that 'instead of an increasing amount of crime and the prison population swelling in numbers, we have to deal with a condition of affairs which enables us … to diminish our convict establishments'.[208] Writing at end of the decade, he acknowledged that 'we have been saved from a most serious dilemma by [this] extraordinary decrease in the number of convicts'.[209]

A shrinking convict population led inevitably to a pruning of the convict estate. In London, Pentonville became a local prison in 1885 and Millbank followed suit a year later, to

[203] *RDCP 1886-87*, p.29; *RDCP 1892-3*, p.289.
[204] Harding et al, *Imprisonment*, pp.196-7.
[205] *RDCP*, PP 1894 [C.7508] XLIV, 491 (hereinafter *RDCP 1893-94*), p.vi.
[206] Harding et al, *Imprisonment*, pp.195-6; Radzinowicz & Hood, *Penal Policy*, pp.567-8; Bailey, 'English Prisons', p.287; Harding, 'Inevitable End', p.594; V.A.C. Gatrell, 'The Decline of Theft and Violence in Victorian and Edwardian England', in *Crime and the Law: The Social History of Crime in Western Europe since 1500*, ed. idem., Bruce Lenman & Geoffrey Parker (London: Europa, 1980), p.247.
[207] *RDCP 1880-81*, xlii.
[208] *RDCP 1885-86*, p. ix.
[209] *RDCP 1888-89*, p. xi.

be joined in 1890 by recently completed Wormwood Scrubs.[210] Shortly thereafter, the public-works behemoths, whose impending closure had so exercised Du Cane, shut without any great fuss, Chatham in 1892 and Portsmouth in 1894, their populations, once as high as 1,600 and 1,300 respectively, by then reduced to double figures.[211] As for Dover, the last public-works convict prison to be opened in England ended up with neither public works nor very many convicts. In May 1888, the *Daily Chronicle* reported that the prison was two-thirds empty and noted the 'great indignation' felt by Dover's townspeople at having been duped into accepting it in the first place. This followed the discovery that convicts 'brought to Dover under the pretext of constructing the harbour works', were now 'employed in mat making for the purpose of finding them employment'.[212] From the government's point of view, the paper's choice of words was unfortunate, given its long-running dispute with the Mat and Matting Weavers Association, which objected to the trade's predominance in local prisons.[213] Questioned in Parliament, Home Secretary Henry Matthews was forced to state unequivocally that '[n]o convicts are now, or ever have been, employed at mat-making at the Dover Prison.'[214] This was true: its construction now halted, the men who remained there worked mainly sewing mailbags for the Post Office and hammocks and bags for the Admiralty.[215] Others tended its vegetable garden. An average population of less than 200 in 1888 had more than halved by 1890. It remained in double figures thereafter, two entire cell blocks, built by convicts to hold 400 men, standing empty on the clifftop.[216]

In 1894, the Convict Directors decided finally that there was 'no good reason … for the great expense of maintaining the establishment at Dover'.[217] The prison's last convicts, some forty star men, departed at the end of January 1895, leaving behind only a caretaker.[218] It was still empty over two years later.[219] Reporting its imminent closure, Labouchère's periodical, *Truth*, had decried as 'exceedingly unsatisfactory' the fact that buildings costing (it claimed)

[210] *RDCP 1891-92*, p. xxii
[211] *RDCP 1893-94*, p. vii.
[212] *Daily Chronicle*, 14 May 1888, p.3.
[213] McConville, *Local Prisons*, pp.257-62.
[214] HC Deb 18 May 1888 vol. 326 c.681.
[215] *RDCP 1888-89*, p.28; *RDCP 1891-92*, p.33; *RDCP 1893-94*, p.25.
[216] *RDCP 1887-88*, p. xvi; *RDCP 1889-90*, p. xvi; *RDCP*, PP 1890-91 [C.6471] XLIII, 449 (hereinafter *RDCP 1890-91*), p. xii; *RDCP 1891-92*, p. xix; *RDCP 1893-94*, p. xii.
[217] *RDCP*, PP 1895 [C.7872] LVI, 1177 (hereinafter *RDCP 1894-95*), p. vii.
[218] Ibid., p. vii, p. xii, p.27.
[219] *RCPDCP 1896-97*, p.11.

over £100,000 could not be adapted to other purposes. They would be converted eventually into military barracks, and later a military prison.[220]

## Chatham: the final years

Chatham's closure had preceded Dover's by two years, its last handful of convicts, all of them star men, leaving the prison in November 1892, bound either for Portland or for Dover, in advance of its handover to the Admiralty the following March.[221] In its final years, the character of the prison changed considerably, the completion of work on the dockyard coinciding with the sharp drop in convict numbers discussed earlier. From 1886, as its cell-blocks emptied, they were converted into large indoor workshops where the prison's remaining convicts - barring those still toiling on St Mary's Island – worked as tailors (some, as we have seen, sewing nothing more than mailbags), shoemakers and basket-makers.[222] Others worked in the prison's new foundry and tinsmiths' shop.[223] Contracts for the Admiralty, War Department, Metropolitan Police, and Post Office, transferred along with plant and equipment from Wormwood Scrubs in advance of its conversion to a local prison, aided this transformation.[224]

Star men, as we saw earlier, continued to work at Chatham in segregated parties. From July 1889, these included a printers' party, its workshop among those that had been inherited from Wormwood Scrubs.[225] In terms of its remit (and probably much of its plant and equipment) this was the same printers' shop as the facility at Brixton discussed ten years earlier at the Kimberley Commission; it had migrated in the meantime first to Millbank, and from there to Wormwood Scrubs.[226] At Chatham, as before, its purpose was the production of paper forms for the Prison Commission and Convict Service and for use throughout the English prison system.[227] John Henry O'Connor (referred to in the Visitors' report by his *nom de guerre*, Henry Dalton), worked there in 1889; serving a life sentence for the 1883 bombing of the Local Government Board Offices in Whitehall, he had had previous

[220] *Truth*, 8 November 1894, in TNA HO 45/9628/A22159; Senicle, 'Langdon Prison'. In 1891, the Dover Harbour Board again won parliamentary approval for a commercial passenger port, upon which contractors began working in 1893. With government backing, this was then expanded to become a harbour of refuge, completed finally in 1909. Hasenson, *History*, pp.270-5, pp.300-1.
[221] *RDCP 1892-3*, p. viii; TNA PCOM 2/6.
[222] *RDCP 1886-87*, p. ix, p. xxxi, p13, p.16; *RDCP 1887-88*, p.11, p.16; *RDCP 1888-89*, p.13, p.16.
[223] *RDCP 1884-85*, p.15; *RDCP 1885-86*, p.20; *Chatham Visitors*, q.178, p.7; Clarke, *Glimpses*, p.42.
[224] *RDCP 1886-87*, p. ix, p.13; *RDCP 1887-88*, p.13; *RDCP 1889-90*, p.11.
[225] *RDCP 1889-90*, p.57.
[226] *RDCP 1878*, p.37; *RDCP 1882-83*, p.172, p.302; *RDCP 1883-84*, p.220.
[227] *RDCP 1889-90*, p.11.

experience as a compositor for a New Jersey newspaper.[228] His comrade, Tom Clarke, joined him, and managed for entertainment to print on tissue paper a single copy of a 'newspaper' titled *The Irish Felon*, containing 'as treasonous a leading article as could be.'[229]

Kimberley had worried that printing could not 'be regarded … as penal work', at least not for a printer by trade.[230] As Jim Phelan, a star man at Maidstone in the 1920s, observed, printing 'really is interesting work at any time; it is doubly attractive to people starved of experience.'[231] Not every convict printer, as we shall see, shared this enthusiasm, but few would have denied that, next to most other forms of prison labour, work in the print shop was relatively varied and stimulating. Printing was a privileged occupation, and, once the shop arrived at Chatham, one reserved for star men; by Phelan's time, it had become their principal trade. Until the shop was automated in 1901, work in it could be divided into two distinct classes: while around two-thirds of the men were employed as compositors and in similar roles requiring 'considerable dexterity and quickness of eye', the 'pressmen', who operated the press manually, had a job Du Cane thought 'as hard … as that of many others who are down on the public works.' For this reason, convict prison MOs were unable to class printing as light labour.[232] Nevertheless, as Chatham's closure approached, the men in its printers' party found themselves transferred in August 1892, not to Portland with their fellow star men, but instead to Parkhurst invalid prison on the Isle of Wight.[233] This might have been for purely logistical reasons – the need, that is, to find appropriate accommodation for the machinery itself – but it is also possible that the type of convict assigned to the party influenced the decision. We will return to this possibility in the chapter's final section, but can observe for now that, once they were no longer reserved for experienced tradesmen, compositing jobs tended to go to a type of convict with which we are already familiar. At Wormwood Scrubs, as 'No.7' recalled, a 'gentleman', a solicitor and a clergyman had all worked in the printers' party, making it 'the most "respectable," as it certainly was the most intelligent, gang in the prison'.[234]

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[228] *Chatham Visitors*, q.236, p.9; McConville, *Irish Political Prisoners*, pp.346-7; Niall Whelehan, *The Dynamiters: Irish Nationalism and Political Violence in the Wider World, 1867-1900* (Cambridge: Cambridge University Press, 2012), p.123.
[229] Clarke, *Glimpses*, pp.37-8.
[230] *Kimberley*, q.13487, p.1093.
[231] Jim Phelan, *Jail Journey* (London: Secker & Warburg, 1940), p.55.
[232] *Kimberley*, qq.13482-5, p.1093; *RCPDCP 1900-01*, p.567.
[233] *RDCP 1892-93*, p.35; TNA PCOM 2/6.
[234] Anon., *Seventeen Prisons*, pp.55-59, p.66.

Analysis of the Chatham party transferred to Parkhurst suggests a continuation of this policy, while also revealing a social division between compositors and pressmen. As we know the exact date of the party's arrival at Parkhurst, and as no other substantial transfer of convicts between the prisons took place (being confined otherwise to individuals sent there on medical grounds), twenty-two members of the party (consisting probably of forty convicts) can be identified.[235] Seven of the men were former clerks, all but one of them convicted of either forgery or theft from an employer (the other, Richard Wells, aged 62 by the time of his transfer, had received a life sentence for stabbing a man to death during a row at a house in Fulham, following a day spent drinking heavily at the Epsom races[236]). Two more had also been convicted of this kind of offence: 40-year-old Paxton Porter had been sentenced to five years in 1889 for embezzling over £3,000 from the Birmingham and Midland Institute, which he had served as its secretary; Edward Parkes, a former City solicitor, now aged 42, had received a seven-year sentence in 1888 for defrauding a client of £13,000 to fund speculation in 'photographic inventions'.[237] Another man in his early forties, Thomas Pawson, also belonged to the party's well-educated cohort: a Norfolk schoolmaster, he had been sentenced to six years in 1889 for attempting to blackmail a local vicar by accusing him of buggery.[238] Among this group of ten men, only one, Charles Peacock, a shipbroker's clerk from Dalston sentenced to five years in 1889 for stealing £1,800 from his employer, had been in his twenties at the time of his conviction;[239] seven had been aged between 38 and 50. Five, including Parkes and Porter, had committed offences involving four- or five-figure sums: John Clarricoats, for instance, 53 by the time of his transfer and once clerk to an East End lace merchant, had pleaded guilty to obtaining almost £6,000, and was believed to have obtained upwards of £16,000, via forged bills of exchange.[240]

If this group of mainly older, well-educated prisoners can be imagined as among the party's skilled workers, so too might two other men, probably assigned to it by dint of their former trade: Thomas Hadley, a Lancashire compositor, by then aged 41, and John Cottam, 35, a London engraver. The former had received a twenty-year sentence for manslaughter in 1883, having attempted while drunk to rape a gravely ill woman, who died shortly afterwards, the latter a seven-year sentence in 1889 for attempting to forge five-pound

[235] TNA, PCOM 2/6.
[236] TNA HO 140/60; *Morning Post*, 2 August 1882, p.4.
[237] TNA HO 140/115; TNA HO 140/106; *Pall Mall Gazette*, 26 March 1889, p.5; ibid., 2 June 1888, p.8.
[238] TNA HO 140/115; *Evening Star*, 27 November 1889, p.3.
[239] TNA HO 140/115; *Morning Post* 22 January 1889, p.2.
[240] TNA HO 140/106; *Lloyd's List* 10 January 1888, p.3.

notes.[241] Two former postmen, Alfred Hollingdale and Ernest Tong, both now aged 27 and serving sentences for postal theft of five and seven years respectively, might also have worked as compositors.[242] Among the twenty-two men we can identify, the remaining seven probably laboured in the party as pressmen, their education described by court records as imperfect. All were serving lengthy sentences for homicides committed, broadly speaking, in a domestic context, barring Frederick Harrison, formerly a jeweller's porter and twenty-four at the time of his transfer, whose five-year sentence was for stealing merchandise worth £2,000 from his employer.[243] Two were men in their forties: Joseph Turner, a Lincolnshire shoemaker now aged 45, fearing destitution and suffering from a 'depressed state of mind', had drowned his nine-year-old son, his death sentence commuted to penal servitude for life; Frederick Waymark, 42, sentenced to fourteen years for fatally stabbing his father-in-law on his doorstep in Marylebone, where he had arrived demanding to see his estranged wife, had already spent a decade at Chatham.[244]

The five younger convicts conform more closely to Harris's conception of the youthful star man keen to learn a trade that could be put to use upon release, though for these men this remained a distant prospect. The most recent to arrive at Chatham was also the youngest: George Davies, still only 18, had in 1890 killed his abusive father with a hatchet as they drove in a buggy from his tailor's shop in Crewe. His older brother, who by arrangement had waylaid them on the road, was hanged, but Davies reprieved due to his youth.[245] George House, now 26, had received fifteen years for shooting the fiancée who jilted him outside the Salisbury home where she worked as a cook; Walter Jenkins, aged 30, was serving the same term for shooting dead his employer, a Swansea grocer, in 1885, believing him to have flirted with his sweetheart; and George Seaviour, aged 36, a Dorset groom, had already served nine years of a twenty-year sentence for killing his common-law wife with a blow to the head from a pint-pot, the culmination of a history of violent domestic abuse.[246] The party's longest-serving convict, Robert Lines, now 36, we encountered among Chatham's first star-class intake, his death sentence for murdering a one-day-old infant, whose paternity he

[241] TNA HO 140/65; TNA HO 140/114; *Manchester Courier and Lancashire General Advertiser*, 28 December 1882, p.5; *Globe*, 11 January, 1889, p.2.
[242] TNA HO 140/122; TNA HO 140/106.
[243] TNA HO 140/122; *London Evening Standard*, 5 June 1890, p.2.
[244] TNA HO 140/113; TNA HO 140/60; *Lincolnshire Free Press*, 5 November 1889, p.5; *Daily Telegraph & Courier*, 13 July, 1882, p.2.
[245] TNA HO 140/118; *Manchester Courier and Lancashire General Advertiser*, 9 April 1890, p.8
[246] TNA HO 140/88; TNA HO 140/79; TNA HO 140/64; *Devizes and Wiltshire Gazette*, 4 November, 1886, p.4; *Western Daily Press*, 19 August, 1885, p.7; *Hampshire Chronicle* 14 April 1883, p.7.

doubted, commuted to penal servitude for life.[247] Combined with their relative youth, the length of their sentences possibly influenced the assignment of these men to the party: due to the time taken to learn the trade properly, later prison administrators thought printing particularly suitable for long-term prisoners.[248] The party's blend of two distinct elements – on the one hand, men who might later be termed 'white-collar criminals'; on the other, those convicted (Davies aside) of unpremeditated homicides and other violent acts – was, however, as the following chapter will demonstrate, characteristic of the star class as a whole.

## Portland

An absence of treason-felony prisoners among the party of printers transferred from Chatham to Parkhurst in 1892 will perhaps have been noted. By then, like the great majority of their fellow star men, these convicts had already been transferred to Portland.[249] Both Clarke and Henehan, along with four of their comrades, were among the first draft of twenty star men to arrive at Portland in January 1891; others followed, culminating in a final transfer in November 1892 (ordinary convicts went instead to Dartmoor).[250] Portland then assumed Chatham's role as a prison dedicated in part to the accommodation of star men, remaining so for the next twenty years. In 1904, we find its new chaplain referring to the prison's 'hundreds of previously unconvicted men, kept strictly apart at all times and in all places from the ordinary convict'.[251] Among the latter, 'Charles Gordon', a pseudonymous self-confessed 'master crook' sent there at the time, recalled in a 1929 memoir that the 'greater part of convicts in Portland were what is known as "star men"', and, moreover, 'almost absurdly proud of this distinction'. According to Gordon, 'all the "stars" were quite separate from the rest. They occupied a special part of the prison – even in chapel they were segregated.'[252]

Portland's first impression upon many an arriving convict, whether star or ordinary, was no doubt a sobering one. "Gentleman" George Smithson, for instance, describes the prison as a 'great fortress-like structure of stone, built on a solid foundation of rock, rising like some gargantuan monster of the deep from the turbulent seas around it, grim, mighty, and uninviting.'[253] George Griffith, a correspondent for *Pearson's Magazine* who visited the

[247] *Cheshire Observer*, 26 July 1879, p.6.
[248] *RCPDCP*, PP 1931-32 [Cmd. 4151] XII, 779, p.28.
[249] Barring one, James McGrath (alias Robert Barton) who died in April 1891. TNA PCOM 2/6.
[250] Ibid.; *RDCP 1892-93*, p. xxi.
[251] *RCPDCP*, PP 1905 [Cd.2273] XXXVII, 1 (hereinafter *RCPDCP 1903-4*), p.597.
[252] Charles George Gordon (pseud.), *Crooks of the Underworld* (London: Geoffrey Bles,1929), pp.38-9.
[253] Smithson, *Raffles*, p.92, work having begun in 1894 on a new stone prison. *RDCP 1894-95*, p.44.

prison in 1903, observed that 'there are no trees, no flowers, just a bare world of work which might be a thousand miles away from the green shores of England.'[254] For Jabez Balfour, Portland's day-to-day regime matched this harsh mien: 'the officers' … curt, dictatorial and offensive manner, their sneering laughs and gibes, struck me as being in consonance with the place itself.' It was, he declared, 'a heart-breaking, soul-enslaving, brain-destroying hell upon earth.'[255] Lest we imagine this a histrionic assessment, Smithson, doubtless made of sterner stuff and of far wider experience, confirms that at Portland '[a]n iron discipline was rigidly enforced.'[256]

With work on Portland Harbour's colossal breakwater now complete, convicts laboured mainly in a section of the island's quarries owned and operated by the Admiralty.[257] Once Chatham and Portsmouth had closed, quarrying (also carried out at Dartmoor on a much smaller scale) remained the only form of convict labour that conformed to the once dominant ethos of severe outdoor work. As Gordon recalled, it was 'hard, soulless, and grinding'.[258] Debating the 1898 Prison Bill, John Redmond, the Home Rule member for Waterford, remembered visiting Portland

> on a bleak winter day in a snowstorm. Driving up this road in my comfortable closed carriage, I came across a gang of prisoners; they had evidently been caught in the snowstorm, and they were going back to the prison from the quarry; 10 or 12 of them were yoked together exactly like beasts of burden, with collars round their necks, and some of them yoked to the cart which carried the stones which they had been breaking, with, of course, armed warders surrounding them.[259]

In Redmond's view, such conditions were 'degrading and brutalising'. They could also be dangerous: in 1902, for instance, Portland's MO reported that one convict had been left 'permanently lame' and another had suffered a dislocated spine following a fall from a crane in the quarries; four years later, he recorded the death of a man whose breastbone had been fractured.[260] As at Chatham, however, convicts at Portland laboured at a range of

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[254] Griffith, *Sidelights*, p.55.
[255] Balfour, *Prison Life*, pp.67-8.
[256] Smithson *Raffles*, p.99.
[257] Ashley Smith, 'Admiralty Quarries', *The Encyclopaedia of Portland History*, https://www.portlandhistory.co.uk/admiralty-quarries.html (accessed 11 April 2019).
[258] Gordon, *Crooks*, p.44.
[259] HC Deb 24 March 1898 vol. 55 c.1196
[260] *RCPDCP*, PP 1902 [Cd.1278] XLVI, 1 (hereinafter *RCPDCP 1901-02*), p.618; *RCPDCP*, PP 1906 [Cd.3169] L, 587 (hereinafter *RCPDCP 1905-06*), p.575.

occupations, albeit a somewhat narrower one, and with limited opportunity for sedentary indoor work. When star men first began arriving there in 1891, prisoners worked in blacksmiths', fitters' and carpenters' shops, whose main role was to service the quarries, for instance by building cranes, while others laboured for the War Department, building magazines and reservoirs. Still others worked on a small prison farm. In addition to those employed servicing the prison, a handful of other prisoners worked indoors as tailors and shoemakers, making sacks for the Admiralty, convict uniforms, and boots for prison officers and for the Metropolitan Police.[261] Over the course of the next twenty years, the number of tailors and shoemakers remained steady at around 25 and a dozen men respectively, among a population of over 700.[262] During the 1890s, another dozen or so worked in a tinsmiths' shop, turning out bottles, cans and other items for the War Department, the Admiralty and the prison itself.[263]

Given the predominance at Portland of prison labour of the severest kind – that is, quarry work - were star men able, as at Chatham many had been, to escape its full rigours? Can we detect a similar rationale whereby the requirement for segregated work parties, combined with a tendency to assign younger star men to trade parties and their older counterparts to lighter work, resulted in the star class as a whole being spared penal labour's worst excesses? In his report for 1896, Portland's governor identifies one of the prison's painting gangs as a star-class party, a job certainly both less arduous and more skilled than breaking rocks.[264] Demand for it, however, would have been insufficient to occupy all of the prison's star men. The same report gives the impression that star men were assigned to a range of trade parties, noting that 'they constantly show a disposition to benefit by the instruction they receive while in prison'. One 'attentive and hardworking' star man had, the report claims, declared enthusiastically that '"The whole place is like a big shop, where a man can learn plenty if he has a mind to."'[265] Though quite possibly apocryphal, the anecdote nevertheless indicates a perception, similar to Harris's at Chatham, of star men as eager young apprentices.

But what of older star men? Many, as discussed shortly, ended up not at Portland but at Parkhurst, the transfer in 1892 of a cohort of printers to the invalid prison having necessitated

[261] *RDCP 1890-91*, pp.44-5; *RDCP 1891-92*, pp.47-8; Clarke, *Glimpses*, p.42.
[262] *RCPDCP 1902-03*, pp.599-600; *RCPDCP*, PP 1908 [Cd.3738] LII, 1 (hereinafter *RCPDCP 1906-07*), p.435; *RCPDCP*, PP 1911 [Cd.5891] XXXIX, 243 (hereinafter *RCPDCP 1910-11*), p.222.
[263] *RDCP 1891-92*, p.52; *RDCP 1892-93*, p.49; Clarke, *Glimpses*, p.42
[264] *RCPDCP*, PP 1896 [C.8200] XLIV, 235 (hereinafter *RCPDCP 1895-96*), p.298; *RCPDCP 1896-97*, p.436.
[265] *RCPDCP 1895-96*, p.290.

the establishment there of a star class. In the decades that followed, Parkhurst would, increasingly, become the destination, not only of elderly or infirm star men, but of those perceived in other ways unsuited to Portland's uncompromisingly harsh regime. This accounts for the small size of Portland's indoor work parties: at around twenty-five men, the carpenters' party was similar in number to the tailors'.[266] Judging by the presence within them of star men, both appear to have been designated star-class parties: Tom Clarke laboured not in the quarries at Portland, but successively as a tinsmith, a carpenter and a tailor, while Griffith, visiting the prison five years later, recognised a former 'philanthropist, town-councillor, and churchwarden' working in its carpenters' shop, and a 'once … prosperous solicitor and astute financier' among its tailors.[267] That Portland's workshops were reserved for star men - and, indeed, that work parties there remained as rigorously segregated as they had been at Chatham - is indicated still further by Home Secretary Sir Matthew White Ridley's confirming in 1896 that the prison's treason-felony convicts had been assigned to clean workshops because its regular cleaning gang was composed of ordinary convicts with whom, 'being star class men, they should not come into contact'.[268] It is, of course, entirely possible that those star men not employed as painters, carpenters, tinsmiths and tailors worked in parties assigned to the quarries; indeed, although the detail may have been an embellishment, Griffith also reports spotting Charles Wells, 'the Man who Broke the Bank at Monte Carlo', who would at the time have been nearing the end of an eight-year sentence for fraud, 'breaking, or, rather, chipping stones' at Portland.[269] Writing pseudonymously in the *Law Times* in 1896, a former convict who was probably a star man describes work in Portland's quarries as 'hard laborious toil which leaves a mark on the weaker convicts.'[270] But it is not known whether this observation was based upon personal experience.

Thanks to Jabez Balfour, however, we can be absolutely clear about the prison's shoemakers' party. Assigned to the party shortly after arriving at Portland in 1896, Balfour thought it

> a capital sample of the very varied and heterogeneous elements which are to be found among "star" convicts. We had one or two dynamiters, kindly and well-behaved

[266] *RCPDCP 1902-03*, pp.599-600; *RCPDCP 1906-07*, p.435.
[267] Clarke, *Glimpses*, p.52; Griffith, *Sidelights*, p.23.
[268] HC Deb 27 April 1896 vol. 39 c.1717.
[269] Griffith, *Sidelights*, p.22.
[270] John Kelsall (pseud.), 'Penal Servitude', *The Law Times*, 15 February 1896, p.365.

> men… one or two doctors, an accountant, a bank manager, two or three solicitors, a sailor, a soldier, one or two tradesmen, one or two murderers, and one or two clerks who had got into trouble through backing horses.[271]

Six months later, for reasons that remained obscure, the gang ceased to be a star-class party, Balfour recalling that in March 1897, 'we "stars" were dispersed among the other "star" parties'. He ended up labouring as a tinsmith in 'a large well-appointed modern workshop', where the work was 'by no means heavy'.[272] Clarke also worked there for a time, soldering necks onto tin bottles destined, he discovered, for British warships.[273]

## Parkhurst

Sent back to Pentonville at the end of the year to face bankruptcy proceedings in London, Balfour was then transferred to Parkhurst in 1898, where he remained until his release eight years later. The change in his surroundings was a marked one: as he observed, there was 'as much difference between Portland and Parkhurst … as there is between Ratcliffe Highway and St. James's Street.'[274] Visiting Parkhurst at around the same time, Griffith, similarly, was struck immediately by 'the very strong contrast between it and Portland': at the latter, 'all [was] bleak, grey-drab, stiff and forbidding', while at Parkhurst, '[w]hichever way you looked there were lawns and flowers and trees, and the air was soft and sweet and warm.' Parkhurst, he concluded, was 'to the world of crime what the Riviera is to the other world.'[275] Though no doubt exaggerated for dramatic effect, this description of the prison tallies with later accounts. 'Stuart Wood', for instance, a pseudonymous career thief who first went there in 1915, recalled Parkhurst's 'beautiful surroundings' and its 'well-kept lawns and beautifully tended gardens which in the summer are a riot of colour and perfume'. He contrasted these, however, with the prison's cell blocks, which 'lie behind, sinister and menacing.'[276]
Following his time at Maidstone, Phelan, an Irish republican sentenced to death at the age of nineteen for his part in an armed robbery in Bootle, Lancashire, in which a man had been killed, was transferred to Parkhurst from Dartmoor in 1926.[277] He described it as 'a cluster of huge brick buildings inside a wall', beyond which lay most of the prison's workshops,

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[271] Balfour, *Prison Life*, p.79.
[272] Ibid., pp.81-3.
[273] Clarke, *Glimpses*, pp.52-3.
[274] Balfour, *Prison Life*, p.67.
[275] Griffith, *Sidelights*, pp.55-6.
[276] Stuart Wood (pseud.), *Shades of the Prison House: A Personal Memoir* (London: William Northgate, 1932), p.279.
[277] Andrew Lees, 'The Rolling English Road', *Dublin Review of Books* 67 (2015), http://www.drb.ie/essays/the-rolling-english-road (accessed 9 May 2019); Phelan, *Jail Journey*, p.84.

situated in a large compound surrounded by only a 'half-hearted' wooden fence, with a gate leading to the prison farm. Parkhurst Forest 'came down almost to the edge of the shops', and men assigned to farm parties worked within an even larger area, enclosed by a second low wooden fence.[278] As had Balfour thirty years earlier, Phelan found the contrast with his previous establishment remarkable: '[a]lmost as if it had been arranged for dramatic effect,' he recalled, 'the atmosphere of Parkhurst was the exact opposite of Dartmoor in every way.'[279]

Built in 1838, originally as a prison for male juveniles, Parkhurst had been converted in 1869 from a female to a male convict prison. In the latter capacity, its function was varied and complex, as is suggested by Balfour's description of it 'combin[ing] in one inharmonious whole the most prominent features of a gaol, a workhouse, a hospital, an asylum, a convalescent home, and a cheap private hotel.'[280] It served primarily as an invalid prison and, as such, was for many experienced convicts their preferred destination. According to Smithson, who arrived there in 1917, it was 'the convicts' home from home … better than any other convict prison in England.'[281] Wood, similarly, was informed by another convict that he had landed in 'the cushiest and most aristocratic "nick" in England', where 'the work demanded was a joke; the "screws" were cushy, and one habitually hob-nobbed "wiv toffs"'.[282] For Phelan's peers, '"The Wight" represented all the lands of Faery and Valhalla and the Golden Isles combined'; at Dartmoor, he recalled, 'almost everyone wanted to get away to the Island'.[283] For some, this entailed resorting to extreme measures of the kind common at Chatham in the early 1870s. In his 1903 prison memoir, for instance, Lord William Beauchamp Nevill recalled a fellow prisoner who, to secure his transfer from Portland, had severed an arm 'by deliberately placing it to be crushed between two trucks in a stone quarry'.[284]

Within a decade of being established at Parkhurst, the prison's star class had grown far larger than the forty-strong printers' party that had arrived there from Chatham in 1892. Nevill estimated that roughly a third of those prisoners at Parkhurst capable of working were star men, which, at the time of his release in 1902 would have amounted to around 200

[278] Phelan, *Jail Journey*, p.203; pp.211-3.
[279] Ibid., p.203.
[280] Balfour, *Prison Life*, p.353.
[281] Smithson, *Raffles*, p.119.
[282] Wood, *Shades*, p.279.
[283] Phelan, *Jail Journey*, pp.188-9.
[284] Nevill, *Penal Servitude*, p.91

prisoners.[285] Those not confined to the prison infirmary occupied cells in 'A' Hall, Parkhurst's newest cell block, built by convicts and completed in 1886.[286] Forty years later, according to Wilfred Macartney, sentenced to ten years' penal servitude in 1928 for passing military information to the Soviet Union, it remained 'the most modern hall in Parkhurst'. Its cells were not only 'the best in the prison', but the 'most comfortable' in the entire English prison system, featuring wooden floors and 'vaulted brick' ceilings.[287] Phelan, too, newly arrived from Dartmoor, noted the wooden floor - 'like the deck of a yacht, with no stink' - of a cell 'twice as large' as the one he had left behind.[288] Griffith, who, visiting a quarter of a century earlier, had judged Parkhurst 'much smarter, more commodious, and … more comfortable' than Portland, thought the same cells 'half as large again' as the other prison's, and 'lighter … and more airy'.[289]

*Pace* Balfour's assessment (to which we will return) of first-offender segregation at both Portland and Parkhurst as 'a sorry failure, little better, in fact, than a make-believe', Nevill confirms that star men at Parkhurst occupied a separate cell block (although its lower tier, to Balfour's annoyance, was used for punishment cells), fell in on a separate parade ground, and worked in segregated parties.[290] According to 'No.7', their contemporary, both Balfour and Nevill, as star men, were 'isolated from the common herd' and 'cut off from association with ordinary convicts'. This did not, however, stop 'No.7' from seeing Nevill 'daily for the best part of a year', although he 'could seldom speak to him.'[291] Hobhouse and Brockway paint a similar picture of only patchy segregation, reporting that in the years following the First World War, when Parkhurst had a small star class of around forty prisoners, 'separation [was] not strict', with star men, for instance, working 'at one end of a workshop partitioned from the rest'.[292] According to Phelan, they continued to occupy part of 'A' Hall, worked in a 'special tailor-shop', and 'marched out and in together'. If a concert was given, 'the Star men came in first, went out last, sat separately.'[293]

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[285] Ibid., p.66; *RCPDCP 1902-03*, pp.558-9.
[286] Nevill, *Penal Servitude*, pp.33-4; *RDCP 1886-87*, p.46.
[287] Wilfred Macartney, *Walls Have Mouths: A Record of Ten Years' Penal Servitude* (London: Victor Gollancz, 1936), p.55, p.57.
[288] Phelan, *Jail Journey*, p.200.
[289] Griffith, *Sidelights*, p.60.
[290] Balfour, *Prison Life*, p.362; Nevill, *Penal Servitude*, p.41, p.66.
[291] Anon., *Seventeen Prisons*, pp.111-2, pp.115-6.
[292] Hobhouse & Brockway, *English Prisons*, p.330; Phelan, *Jail Journey*, p.214.
[293] Phelan, *Jail Journey*, pp.214-5.

The wider population to which these prisoners belonged was a heterogenous one, even by convict prison standards. Parkhurst's MOs classified it along various lines. First, there were the 'weak-minded', defined by an MO in 1902 as encompassing 'all degrees of mental deficiency, ranging from mere eccentricity up to the borderland of actual insanity' (any straying beyond this boundary he transferred to an asylum).[294] In line with a recommendation by the Kimberley Commission, such prisoners were segregated from others in separate sections of the prison and separate work parties, where they were further subdivided into three groups: first, the homicidal, suicidal and 'men with ungovernable tempers'; second, epileptics, imbeciles and men requiring 'special care'; and, lastly, those considered 'harmless'.[295] Such men were, however, far outnumbered by mere 'invalids', who, according to an MO writing in 1873, 'present[ed] almost every feature of diseased condition known to humanity.'[296] These, too, according to the prison's chaplain, could be subdivided into the 'semi-invalid' and elderly on one hand, and the 'crippled' on the other.[297] The MO was more precise, noting that Parkhurst's invalid population included men who had lost a leg, arm or hand, men 'crippled in the hands or feet', and men who had been 'ruptured', along with others suffering variously from consumption, asthma, spinal disease, syphilis, scrofula, varicose veins, and defective eyesight.[298]

As able-bodied prisoners, then, the star-class printers (or some of them, at least) who arrived at Parkhurst in 1892 formed a distinct minority within its wider population. Two years later, they were joined at the prison by a second (at least partly) able-bodied cohort, following the decision to send to Parkhurst all Jewish convicts. This followed the conversion of a former pumphouse into a synagogue, affording such prisoners the opportunity for worship.[299] In 1895, Parkhurst's MO reported that among 261 men received into the prison that year, only thirty-six were 'sound in mind and body; these being principally Jews.'[300] Such prisoners lent Parkhurst a cosmopolitan character: writing in 1902, its governor, Colonel Heathcote Plummer, observed that as the majority were 'of alien birth', there was now 'a comparatively strong foreign element in the population.'[301] This, Plummer explained,

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[294] *RCPDCP 1900-01*, p.577.
[295] *RDCP 1879-80*, pp.456-7.
[296] *RDCP 1872*, p.367.
[297] *RDCP 1873*, p.349.
[298] Ibid., p.353.
[299] *RDCP 1893-94*, p.31; *RDCP 1894-95*, p.41; see also Raphael Samuel, *East End Underworld: Chapters in the Life of Arthur Harding* (London: Routledge & Kegan Paul, 1981), p.172.
[300] *RDCP 1894-95*, p.41.
[301] *RCPDCP 1902-03*, p.590; 'Parkhurst Prison Warders', *Anne Barrett Isle of Wight Ancestors and Genealogy*, http://www.annbarrett.co.uk/prison/parkhurst-prison-warders-m-s/ (accessed 19 April 2019).

was just one of the 'special features' that differentiated Parkhurst from other convict establishments. Another was the presence, alongside 'the "weak-minded"' and 'the cripples, the senile, and the blind', of 'a large proportion of the better educated and more delicately nurtured, who, on medical grounds, would be unsuited to the climate and to the more severe forms of labour of the other convict prisons.' Among the latter, Plummer added, were 'many men of good ability, and some of high attainments.'[302]

The sense here is of Parkhurst as a destination for convicts belonging to anomalous categories – whether blind, Jewish, elderly or epileptic – and of star men - or star men of a particular type – as another of these categories. Plummer's MO, moreover, writing at the same time, observed that many of Parkhurst's supposedly 'weak-minded' convicts were 'not in any sense unsound in mind or unfit to take care of themselves', but that it was 'becoming more and more the custom of the other prisons to send here convicts who shew any eccentricity of conduct or peculiarity of disposition.'[303] Some among the latter were star men: as the MO had reported in 1897, the prison's population included numerous 'long sentence men', many 'belong[ing] to the "Star Class"', whose lengthy terms of penal servitude 'implie[d] a heinousness in the crime committed, including a large number of deeds of violence and passion, sexual perversion, &c., and point[ed] to an unstable mental equilibrium'.[304] A grey area also lay, as Plummer appears to have acknowledged, between 'delicate nurture' and physical invalidity. Observing that 'Parkhurst is much more aristocratic' than other prisons, Griffith, whose visit coincided with Plummer's remarks, explained to his readers why this might have been:

> When a man has been accustomed to the refinements and luxuries enjoyed by well-to-do classes and finds himself suddenly degraded to the lowest stature of human society, the shock and nervous strain are so intense that his health usually breaks down… So, too, the confinement, the horrible livery, the, to him, coarse and scanty food, and the unaccustomed labour also affect his health … and the general result is a course of infirmary treatment and then transfer to the salubrious retirement of Parkhurst.[305]

It seems probable, then, that in addition to its other functions, Parkhurst had by the early years of the twentieth century become the convict prison to which former businessmen,

[302] *RCPDCP 1902-03*, p.590.
[303] Ibid., p.596.
[304] *RCPDCP 1896-97*, p.22.
[305] Griffith, *Sidelights*, pp.59-60.

professionals and other 'gentlemen' were routinely sent. Balfour strengthens this impression, identifying a 'small but remarkable class of convicts who … are almost peculiar to Parkhurst', composed of 'elderly men, who have been bankers, brokers, lawyers, merchants, and the like'.[306] He observes, moreover, that 'the great bulk of "star" prisoners … are by education, character, and age very ill-adapted for hard manual work of any kind', again giving as examples the 'middle-aged or elderly banker, lawyer, doctor or shopkeeper … clergyman or dissenting minister'.[307] This suggests a concentration of such convicts at Parkhurst, which would account partly for the prison's 200-strong star class. Many, as Balfour indicates, would have wound up there simply on account of their advanced age, but it should be recalled that he himself, though over fifty when convicted, was sent first to Portland and only later to Parkhurst, following a bout of illness. Nevill, on the other hand, who served his entire sentence at Parkhurst, including its first stage, was still in his late thirties and appears to have suffered from only varicose veins and an unspecified gastric complaint.[308]

In 1899, the former condition had resulted in Nevill's confinement in the infirmary at Parkhurst, where he was put to work knitting stockings.[309] Phelan confirms that, almost thirty years later, this remained the prison's lightest form of labour. Having exaggerated genuine asthma to secure his transfer from Dartmoor, Phelan, too, found himself in a knitting party, and 'not allowed to lift anything … not even … a bucket of porridge lest I should die.'[310] Inevitably, a 'very large number' of Parkhurst's convicts, as an MO observed in 1882, were similarly 'fit for only the very lightest kind of labour, such a knitting and weeding'.[311] Phelan soon realised that '[i]f I wanted to scrounge for the remainder of my life, I could', but he instead secured a transfer to the prison foundry. Many of his peers would have thought him insane: as 'a Ticket-of-Leave Man' observed, upon arriving at public-works prison, an experienced convict's 'great object', upon which he would exercise 'all his cunning and ingenuity', was to secure a passage to the prison infirmary.[312] This was hardly surprising: during a sojourn in Portland's infirmary in the late 1870s, 'a Ticket-of-Leave Man' claimed to have seen one man given 'roast mutton, a pound of potatoes, and three-

[306] Balfour, *Prison Life*, p.173.
[307] Ibid., p.269.
[308] Nevill, *Penal Servitude*, p.25, p.27, p.35, p.37.
[309] Ibid., p.30, p.35.
[310] Phelan, *Jail Journey*, p.201.
[311] *RDCP 1881-82*, p.275.
[312] *Weekly Times*, 7 December 1879, p.2.

quarters of a pint of stout' for lunch, while others received 'delicacies such as fish, poultry, wines, jellies, and custards.'[313] In fact, Portland's MO at the time prescribed 'porter and other stimulants' only in 'very severe cases', substituting them instead with milk and beef tea.[314] Balfour enjoyed the latter when he stayed in Portland's infirmary twenty years later, as part of an 'excellent' diet that also included rabbit and fowl. He described his cell there as 'very decent … with a comfortable bedstead [and] a fair supply of books.'[315] Parkhurst's own infirmary, as might be imagined, was far larger than those at other convict prisons, having been built to accommodate up to 200 prisoners in separate cells.[316] These were described by Griffith as 'tiny but comfortable bed-sitting room[s]', whose occupants were supplied with spring mattresses, pillows, sheets and extra blankets, and served chicken and fresh eggs.[317]

According to a number of prison memoirists, certain well-connected 'gentlemen' enjoyed such luxuries on a permanent basis – indeed, the claim is so frequent as to appear credible. '[A] Ticket-of-Leave Man', for instance, complained bitterly of William Roupell, the former Liberal MP for Lambeth, who, in a celebrated case, received a life sentence in 1862 for forging his late father's will, of which he eventually served fourteen years.[318] At Portland, Roupell had been installed as the infirmary's head nurse, due to his having 'influential friends to whisper into a Director's ear', and whereas 'a Ticket-of-Leave Man'

> tasted neither fish nor poultry, game nor fruit, for nearly six years … I saw Roupell get such luxuries every day, and he never lacked port wine, bottled stout, and brandy. He had a nice little piece of garden given him in the infirmary grounds, and here he built himself a summer-house and a grotto, and he whiled away pleasant hours in tending his flowers.[319]

This account is echoed in Phelan's recollection some fifty years later of another former MP, Horatio Bottomley, the proprietor of the populist *John Bull* magazine, who, before his 1922 conviction for fraud, sat as a Liberal and then an Independent for Hackney South.[320] Phelan

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[313] Ibid.
[314] *RDCP 1871*, p.175.
[315] Balfour, *Prison Life*, p.77.
[316] *RDCP 1876*, p.7.
[317] Griffith, *Sidelights*, p.62, p.66.
[318] Judy Harris, *The Roupells of Lambeth: Politics, Property and Peculation in Victorian London* (London: Streatham Society, 2001), pp.66-76, p.85.
[319] Anon., *Convict Life*, p.90, pp.93-4.
[320] Alan Hyman, *The Rise and Fall of Horatio Bottomley: The Biography of a Swindler* (London: Cassell, 1972), pp.89-91, pp.253-5, pp.272-4.

recalls Bottomley exercising 'around a small patch of grass, alone' outside the Maidstone prison infirmary, where both he, the notorious City fraudster Gerard Lee Bevan, 'a lawyer named Laughton, and a genial librarian who had written several books about Dickens' all resided permanently.[321] At Parkhurst in the 1920s, observed Macartney, 'the "better class" prisoner, like the financier, the lawyer, and the lords' would 'spend all their time, or most of it, in hospital'. In Balfour's day, or so he claims, a convict known as "The King of Parkhurst", as the result of friendship with a cabinet minister, enjoyed a permanent berth in the prison's infirmary, where the 'diet ticket over his door resembles in variety and abundance the menu of a cheap *table d'hôte*, his cell is stocked with books, he is supplied with a comfortable arm-chair [and] he enjoys the rare privilege of a pen and ink'. Assigned to a 'doctor's party' as a gardener, the man occasionally 'deign[ed] to carry a rake or a broom with an air of patronizing condescension'.[322]

Aside from 'doctor's men' employed at knitting and gardening, roughly half of Parkhurst's convicts (their total number rising from around 650 to 750 during the 1890s) worked indoors, either at occupations similar to those at Portland – that is, as shoemakers, tailors, tinsmiths and manufacturers of various other items for the War Department, Admiralty, Post Office, and the prison itself - or in service jobs such as cooking and cleaning, or, after 1892, as printers and bookbinders. Another hundred or so (rising to 170 by the end of the decade) worked outdoors on the prison farm, where pigs and cows were kept, and vegetable and cereal crops harvested. In addition, around a hundred men were employed as labourers and tradesmen during the 1890s, altering and extending the prison's buildings.[323] In assessing the character of star-class labour at Parkhurst, then, it is important to recognise that, judged by the standards of the English convict system as a whole, almost *all* of the labour performed at the prison could, to greater or lesser degree, be considered privileged. To be transferred there was in itself a blessing.

In a manner inimical to the philosophy governing the wider convict system, Parkhurst MOs tailored prison labour to the individual prisoner. In an 1873 report, an MO gave the example of a prisoner diagnosed with both heart disease and tuberculosis, and required, moreover, to wear a surgical truss. Such a man might be expected to perform only work 'of an indifferent description', although 'a careful selection of labour' would see him 'profitably

[321] Phelan, *Jail Journey*, p.12.
[322] Balfour, *Prison Life*, pp.357-8.
[323] Griffith, *Sidelights*, p.70; *RDCP 1892-93*, p.35, pp.37-8; *RCPDCP 1897-98*, pp.469-73; *RCPDCP 1902-03*, pp.591-3.

employed without prejudice to [his] health'. When it came to the 'weak-minded', 'the selection of labour [was] of even greater consequence', requiring the 'character of each man … to be studied, and his insane impulses carefully considered.'[324] This in turn necessitated 'a knowledge of each individual history … and a nice discrimination', anticipating by over twenty years the Gladstone Committee's call for a prison system 'more capable of being adopted [*sic*] to the special cases of individual prisoners'.[325] As well the individualisation of prison work, the labour regime at Parkhurst (and, until its closure in 1888, at Woking invalid convict prison) was also distinct in conceiving certain tasks – specifically farm work and market gardening – as a form of patient therapy. Related to earlier concepts of moral reformation, the notion of this kind of work as both physically and psychologically beneficial to prisoners was grafted onto the deterrence/reform/remuneration triad that provided prison labour its customary rationale. It would go on to inform the labour regimes of the interwar period's borstal institutions and open prisons (which are discussed briefly in this study's Conclusion). Balfour thought market gardening 'a thoroughly healthful, natural open-air occupation … calculated to improve both mind and body.'[326] In this, he echoed Woking's first governor, Captain J.S. Warren, who as early as 1858 had advocated 'Light open-air work for … convalescents such as gardening, field-labour, &c.', arguing that this 'would go very far towards restoring many of them to health'.[327] A similar line was pursued with reference to the 'weak-minded': in 1871, Woking's MO recommended open-air agricultural work for the 'weak-minded or imbecile class' as not only 'the best means of keeping them in subjection', but as 'the most preferable method of allaying irritability, and conducing to healthful rest at night.'[328] At Parkhurst, too, Plummer's predecessor, Major Noott, found the 'listless apathetic state' common in 'mentally affected' prisoners 'much lessened' by farm work.[329] Parkhurst's 'weak-minded full-agricultural labour party', Noott's MO noted, was 'notorious as the hardest working party in the prison'.[330]

Like printing, farm work was relatively varied and interesting, and thus among the convict system's more congenial occupations. Writing in 1861, Warren reported men 'working willingly and cheerfully' on the farm at Woking, who, 'were it not for the dress, a stranger

[324] *RDCP 1872*, pp.367-8.
[325] *Gladstone*, par.25, p.8.
[326] Balfour, *Prison Life*, p.272.
[327] *RDCP 1858*, p.361.
[328] *RDCP 1870*, pp.445-6.
[329] *RDCP 1875*, p.268.
[330] *RDCP 1881-82*, p.275.

would take … for ordinary labourers, so little have they the appearance of prisoners performing compulsory labour.'[331] Sixty years later, a visitor to Dartmoor, where there was a large prison farm, told Hobhouse and Brockway that the men who worked there 'might have been labourers' and 'were all cheerful'. According to another visitor, 'warders' children, coming for milk, ran among the convicts'; compared to the employment available elsewhere in English prisons, such work, Hobhouse and Brockway remarked, with its 'variety and reality', must have been 'of almost exhilarating interest.'[332] Unsurprisingly, it was coveted by convicts: giving evidence in 1895 to the Gladstone Committee, Captain Frank Johnson, a former Parkhurst governor, now governor of Dartmoor, confirmed that prisoners would often request a transfer from trade to agricultural parties, 'where there is more scope for freedom, and easier work [and] they are not so much looked at.'[333] At Parkhurst, Nevill reported, men assigned to indoor workshops spent a few weeks each summer working on the farm, and 'look[ed] upon it as a sort of holiday'.[334]

When Nevill arrived there in 1898, two of Parkhurst's eight farm parties were reserved for star men. Other star men worked indoors, either in the printers' party, which remained their exclusive preserve, or in a 'doctor's party', tailoring, shoemaking, and sewing items such as sacks, mattresses and nets.[335] Admitted immediately to the infirmary upon arrival at Parkhurst, Nevill served his first stage there, spending nine months knitting stockings, and then joined an infirmary party, mending paths and performing any odd jobs around the prison that were 'not beyond our strength'. After this, he worked as an infirmary orderly, cleaning, serving meals and distributing medicines. He appears unaware that the job was considered a plum one, remarking that he 'found these duties no hardship … though I was obliged to do some rather dirty work'.[336] From there, continuing a career that many a convict would no doubt have greatly envied, he went to the farm, where he found the 'open air exercise and the variety … a positive delight after the monotony of crawling along with the hospital party'. He made hay, dug potatoes and drew manure carts with fellow convicts 'harnessed two by two to a long rope', judging the latter 'infinitely preferable to moping in a cell' (while disparaging Michael Davitt's account of the injuries he had suffered harnessed to a stone-cart at Portland). Varicose veins landed him back in the infirmary and then, following another

[331] *RDCP 1861*, p.317.
[332] Hobhouse & Brockway, *English Prisons*, p.320.
[333] *Gladstone*, q.8738, p.292.
[334] Nevill, *Penal Servitude*, p.38.
[335] Ibid., p.66; Balfour, *Prison Life*, p.163, pp.223-4; *RDCP 1892-93*, pp.37-8.
[336] Nevill, *Penal Servitude*, pp.29-33; Balfour, *Prison Life*, p.262; Quinton, *Crime and Criminals*, p.29.

spell on the farm, in the printers' party, where he remained and which he 'liked … very much.'[337]

During Nevill's time there, the printers' shop was expanded and new machinery installed; Plummer regarded it as Parkhurst's 'distinguishing feature' and potentially 'very lucrative'. An automated press eliminated the need for 'pressmen', an innovation greeted without enthusiasm by the party's other members, who as a result now received a light labour diet.[338] Some complained to Plummer of being fed less than farm labourers, despite being 'employed at high-class technical work'.[339] A decade on from its arrival at Parkhurst, the shop employed over fifty star men: joining Nevill were 'ex-clergymen, ex-dissenting ministers, ex-doctors, ex-solicitors – these in overwhelming proportion to the others – soldiers, sailors, schoolmasters, bank managers, and for a time one ex-M.P.'.[340] The latter, of course, was Balfour, who was less enamoured than Nevill with the party, finding its management 'hopelessly amateurish and inadequate'.[341] This chimes with the view of Henry Montgomery, who worked in the shop at around the same time, that it was 'presided over by an amateur and worked by amateurs'. A jobbing printer employing two men would, Montgomery calculated, turn out more in a day than the entire Parkhurst party.[342] Transferred from the 'doctor's' sewing party, Balfour had expected to be given 'clerical work' but was instead assigned 'drudgery' tasks such as removing printed sheets from the press, arranging sheets for binding, and feeding paper into a guillotine, 'a hideous machine well deserving of its ghastly name'. In the meantime, he claims, 'agricultural labourers who could not spell' were employed as compositors - which, in light of what we know about the party, seems unlikely. 'These rustics', Balfour griped, 'were not sufficiently intelligent to notice the ineptitude of the management'.[343] Retired back to the 'doctor's party' suffering from lumbago, he then ended his time at Parkhurst working in the prison library alongside a former police constable convicted of perjury, labour he described without irony as 'both harassing and heavy, and call[ing] for much zeal, much patience, and much physical strength'.[344]

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[337] Nevill, *Penal Servitude*, pp.34-5, p.37, p.40.
[338] *RCPDCP 1900-01*, p.567; *RCPDCP, 1901-02*, pp.597-8, p.600; *RCPDCP 1902-03*, pp.590-1; Nevill, *Penal Servitude*, p.113.
[339] *RCPDCP 1901-02*, p.597.
[340] Ibid., pp.602-3; Nevill, *Penal Servitude*, p.45.
[341] Balfour, *Prison Life*, p.364.
[342] H.J.B. Montgomery, 'The Waste of Labour in our Convict Prisons', *The World's Work* 5:29 (1905), p.510.
[343] Balfour, *Prison Life*, pp.224-6.
[344] Ibid., p.228, p.230, pp.184-5.

Despite the print shop's shortcomings, however, when Balfour proposed in his memoir a separate star-class prison, he envisaged printing as its principal industry. As we have seen, he judged first-offender classification, as he had experienced it at Portland and Parkhurst, 'a sorry failure'. Yet in principle he had 'nothing but praise and approval for this idea', declaring the establishment of the star class 'one of the very wisest steps ever taken by the Home Office.' But as long as '"stars and habitual criminals [were] herded together in one and the same prison', the system would never work: a separate establishment for star men was, therefore, 'an absolute necessity'.[345] At the same time, it was a fool's errand to try and turn middle-aged bankers and solicitors into competent tradesmen: such men were 'bunglers when they begin [and] they continue bunglers to the end'. They could 'only be put to the more primitive kinds of tailoring' and even that they would 'do very badly indeed.'[346] Hence a separate star-class prison would necessarily revolve around printing, the only form of prison work appropriate to men 'of considerably higher education and intelligence' than ordinary convicts. Enlarged, run professionally by 'independent managers' unlikely to 'tolerate … ploughboys as compositors', and employing greater numbers of star men, the print shop's remit could be extended to work for other government departments.[347] As we shall see in the next chapter, this proposal was somewhat prescient: within three years of Balfour's memoir being published in 1907, a new star-class convict prison had become fully operational at Maidstone, where around a hundred men – over a third of its population – worked as printers.[348] Their shop, according to a former convict writing in 1936, was one 'to which most of the professional men are sent.'[349]

Balfour imagined his establishment's 'rougher "star" prisoners' working outdoors as market gardeners; 'artisans and mechanics' would be grouped together in a 'miscellaneous manual labour' party, and a 'few of the hungrier and sturdier "stars" could fulfil [its] domestic duties'. At the apex of this hierarchy, 'a few exceptional prisoners … professional men, accountants, bank-managers, lawyers and the like, who have no aptitude for the printers' shop and no capacity for open-air work' would perform clerical duties hitherto undertaken by junior Home Office clerks and 'better educated assistant warders'.[350] As these

[345] Ibid., pp.361-2.
[346] Ibid., p.269, pp.363-4.
[347] Ibid., p.271, pp.363-5.
[348] TNA HO 45/22661: Maidstone Convict Prison, Visitors Report, 1915.
[349] A.J. Loughborough Ball, *Trial and Error: The Fire Conspiracy and After* (London: Faber & Faber, 1936), p.108.
[350] Balfour, *Prison Life*, pp.272-3, p.365.

would be positions of considerable trust, 'the best of the educated "star" convicts' would need to be segregated from their fellows. In effect, such prisoners would form a star class of their own within the wider division: 'utmost care' would be taken in their selection and they would be 'absolutely separated from the other prisoners, both on weekdays and Sundays, at meals and exercise and chapel'.[351] As we saw in Chapter 1, Balfour had suffered keenly his contamination by fellow convicts; to shield men of a similar sensibility, he evidently felt that only a double prophylactic would suffice.

It might also be observed that his scheme resembled those proposed almost thirty years earlier to the Kimberley Commission by witnesses such as 'G.H.', whereby 'the educated classes, or mercantile clerks and the like' would not only be segregated from ordinary convicts in separate establishments, but spared the rigours of severe manual labour.[352] That is to say, it looks rather like the very arrangement that the Commission's original recommendation was intended to thwart. As this chapter has shown, the principle of equal treatment had been subtly eroded at successive establishments over the course of three decades. This process culminated in printing, the English convict system's most congenial form of labour, being reserved for star men, along with the relocation of this industry to Parkhurst, the system's most salubrious establishment. Balfour's proposal, adopted in part by convict administrators, was the logical next step. Indeed, he argued that a separate star-class prison, beyond mere effective segregation, would allow convict authorities to ameliorate conditions for star men, thereby correcting penal servitude's supposedly disproportionate effects. As long as star men and "old lags" occupied a single prison, he reasoned, it was impossible to treat them differently: 'The "old lags" would not stand it. They would rise in revolt against the authorities, and would probably conspire to wreak their vengeance also upon the more favoured "stars."'[353] At a star-class prison, the first principle of uniform treatment could be overturned and a regime tailored to first offenders developed. Maidstone convict prison, to which the final chapter of this study is devoted, in the event proved far less a radical departure than this. But it was, as we shall see, certainly unlike any other English prison.

[351] Ibid., p.273.
[352] *Kimberley*, qq.11367-78, pp.896-8.
[353] Balfour, *Prison Life*, p.367.

## CHAPTER 4: Maidstone convict prison

Having traced the implementation of first-offender classification at a succession of convict establishments after 1879, we now turn to Maidstone convict prison. Once it became fully operational in 1909, Maidstone was reserved for star men, and, as such, represents the culmination of the process discussed in previous chapters. This chapter is divided into four sections: the first looks at the prison's origins, construction and eventual designation as a star-class establishment; the second at its labour regime, thus concluding the argument made in the previous chapter about the nature and development of prison work. A third, much longer section then explores in detail the composition of Maidstone's star-class population. The chapter ends with a sketch of daily life in the prison and the regime under which it carried on. Although the period covered by the study ends in 1914, in order to provide as detailed a picture as possible, the chapter's second and final sections rely to an extent on primary sources relating to later decades.

## Establishment

The star class is a topic hitherto neglected by penal historians. Among the very few even to mention it, Radzinowicz and Hood give the impression of a project that somehow fizzled out: Du Cane, they observe, planned initially to establish a 'public works prison devised especially' for star men, but 'nothing came of this, and they continued to be sent to Portland, Chatham and elsewhere.'[1] In fact, convict administrators, as we have seen, remained committed to the goal of a separate star-class prison, reserving Chattenden for star men as early as 1882. The work of building Dover convict prison was then assigned to star men, with the intention that the new public-works prison would serve throughout the period of its construction as a star-class establishment. Although this establishment, in the event, never became fully operational, it remained a star-class prison until its closure in 1895.

Kimberley's recommendation was, as we have also seen, followed within five years by a precipitous and unexpected decline in convict numbers, necessitating a reduction of the convict estate accompanied by consolidation of the remaining convict population within its three surviving establishments: Dartmoor, Parkhurst and Portland. Unsurprisingly, such restructuring was incompatible with the project of establishing a new prison for star men, which, following Dover's closure, then remained on ice for a decade. After 1900, however, the convict population began once again to rise (albeit, as it transpired, only in the short

[1] Radzinowicz & Hood, *Penal Policy*, p.549.

term).[2] To accommodate this increase, work began in 1904 on a new convict prison at Maidstone.[3] Built alongside a local prison dating from 1819 (which itself occupied the site of a much older gaol),[4] the new prison was much smaller than its immense predecessors, with capacity for upwards of 300 men. A new convict establishment in turn made it finally possible to segregate first offenders in a separate prison: once it became fully operational in 1909, Maidstone convict prison was reserved for star men and remained so until 1939.[5]

Maidstone's designation as a star-class prison can, then, be viewed simply as an expedient means of fulfilling twin operational requirements: increased capacity, on the one hand, and on the other, improved segregation. The move should, though, also be viewed in relation to the publication in 1895 of the Gladstone Report, which was followed within days by Du Cane's resignation as Chairman of the Prison Commission and Convict Directors. As we saw in this study's Introduction, scholars have debated the extent to which the Report heralded a sea change in English penal philosophy, policy and practice. There is, however, little doubt that Du Cane's successor, Evelyn Ruggles-Brise, was seen at the time as something of a 'new broom'. In contrast to Du Cane, who, like Sir Joshua Jebb before him, began his career as a second lieutenant in the Royal Engineers, Ruggles-Brise arrived at his post via Eton, Balliol and the Home Office, and was still under forty when he received the appointment.[6] He remained throughout his tenure an enthusiast for the star class: shortly before retiring in 1921, he described the 'principles of segregation' upon which it was based as 'an essential condition of any well organized Prison System'.[7] This enthusiasm is evident in the alacrity with which he rolled out the system to local prisons: within less than a year of his replacing Du Cane, the system had been 'extended experimentally' to Wormwood Scrubs,[8] which served thereafter as London's local star-class prison and by the 1920s held star men exclusively.[9] A year later, in 1897, he reported that prison authorities in London had responded 'so favourably' to the scheme that he had ordered its implementation in local prisons throughout the country (a full year, that is, prior to Home Secretary Sir Matthew

[2] Harding et al, *Imprisonment*, pp.196-7.
[3] *RCPDCP 1905-06*, p.30, p.552; Gladstone to Troup, 18 January 1908, Viscount Gladstone Papers, BL Add MS 45993 f.127.
[4] C.E.F. Rich, *Recollections of a Prison Governor* (London: Hurst & Blackett, 1932), p.36; Wood, *Shades*, p.255.
[5] John Vidler & Michael Wolff, *If Freedom Fail* (London: Macmillan, 1964), p77.
[6] Radzinowicz & Hood, *Penal Policy*, p.596.
[7] Ruggles-Brise, *Prison System*, p.37.
[8] *RCPDCP 1895-96*, p.134; see also McConville, *Local Prisons*, p.664.
[9] *Howard Association Report* (October 1896), p.15; Fox, *Prison and Borstal Systems*, p.69.

White Ridley's announcing to the Commons that, following its 'satisfactory trial' in convict prisons, he now proposed 'to extend and develop this starred class').[10]

First-offender classification was, then, in tune with the spirit of cautious reform that followed Du Cane's departure and the publication of the Gladstone Report. William Beauchamp Nevill, for instance, released from Parkhurst in 1902, shared Ruggles-Brise's optimism, declaring that the extension of the star class to local prisons was 'rapidly stopping … the manufacture of criminals by the state', hitherto 'one of the most flourishing industries in the country'. Based on the system's success in convict prisons, Nevill felt there was 'reason to believe a time may come when first offenders returning to crime will be very rare exceptions indeed.'[11] At the same time, the Gladstone Committee had itself called for a 'sound and wise system of classification', though less as a means of limiting 'the evils attributed to contamination', which the Committee felt to be 'exaggerated', than of channelling reformatory influence in a more efficient manner.[12] Thus, Ruggles-Brise found in the star class a serviceable tool already at his disposal with which to respond to this demand. Indeed, at a stretch, he could point to the star class as a step towards a prison system that was 'more elastic [and] more capable of being adopted [*sic*] to the special cases of individual prisoners'.[13] After all, the star class 'experiment' in convict prisons could on the whole be judged a success. In 1897, Ruggles-Brise included for the first time in his annual report reoffending statistics for star men released on licence: of the 2,183 convicts admitted to the division since 1879, only twenty men had received a second sentence of penal servitude, and the licences of a further eleven been revoked. A decade later, these figures stood respectively at 3,631 (suggesting a loosening of selection criteria during the intervening decade), forty-five and thirty-five.[14]

In 1905, in a further demonstration of his faith in classification, Ruggles-Brise introduced an additional 'intermediate' division (having first proposed this in 1897), lying midway between star men and what were henceforth referred to officially as 'recidivists'. In this new division, he intended to accommodate the 'large body on the borderland between those not previously convicted of crime, and those who have made crime a profession'.[15] Identified by

[10] *RCPDCP 1896-97*, p.13; HC Deb 24 March 1898 vol. 55 c.842.
[11] Nevill, *Penal Servitude*, pp.250-1.
[12] *Gladstone*, pars.26-7, pp.8-9.
[13] Ibid., par.25, p.8.
[14] *RCPDCP 1906-07*, p.27.
[15] *RCPDCP 1896-97*, p.13; *RCPDCP 1903-4*, p.16.

a scarlet chevron, rather than a star, worn on their sleeve and cap, 'intermediates' were at first concentrated at Portland, with 'recidivists' now sent to Dartmoor (whose notoriety as England's 'Alcatraz' dates from this arrangement; Parkhurst remained unavoidably heterogeneous).[16] Thus, as well as corresponding to an earlier operational imperative, the personal inclinations of the Convict Directors' new chairman and the Gladstone Committee's wishes, the dedication of the new prison at Maidstone to star men also chimed with further restructuring of the convict system around what were now three administrative divisions. Even after work began on building Maidstone, however, its eventual role had still to be decided: in March 1907, its recently appointed governor welcomed 'the decision to send only those here who have not served a previous penal sentence', yet the following January, Gladstone, now Home Secretary under Campbell-Bannerman, was still under the impression that it would 'house the ordinary Convict population'.[17]

Specific events attending its construction may have influenced the final decision. Following established practice, the Convict Service had employed contractors to erect the prison's first cell-block, which, completed by the end of 1905, then became home to the 130 convicts who arrived there in January 1906 to finish building it.[18] In this instance, however, the task was not assigned to star men, as it had been at Dover, the Convict Service instead reverting to its policy of entrusting prison-building to skilled, well-behaved prisoners, who were transferred to Maidstone from Borstal.[19] In light of the 'mutinous outbreak' that followed in October 1907, this appears with hindsight to have been unwise.[20] In his 1932 memoir, Lieutenant-Colonel Charles Rich, who at the time had served as Maidstone's temporary governor during a colleague's illness, recalled that, despite being 'the best-behaved men capable of carrying out building work', the prisoners were, nevertheless, 'as goodly a team of blackguards as it is possible to imagine'.[21] At the end of one particular working day, they had 'refused point blank to fall in, and, for no apparent reason, became in a few seconds a mob of infuriated lunatics'. Soon surrounded by armed prison officers, backed up by troops from the local barracks, the 'seething and blasphemous mass of convicts armed with sticks and stones' eventually followed Rich's order to return to their cells, whereupon

[16] TNA PCOM 7/280; *RCPDCP 1905-06*, p.567; *RCPDCP*, PP 1912-13 [Cd.6406] XLIII, 345 (hereinafter *RCPDCP 1911-12*), p.31.
[17] *RCPDCP 1906-07*, p.425; Gladstone to Troup, 18 January 1908, Viscount Gladstone Papers, BL Add MS 45993 f.127.
[18] *RCPDCP 1905-06*, p.30, p.552.
[19] Ibid., p.30.
[20] *RCPDCP 1906-07*, p.425.
[21] Rich, *Recollections*, p.36.

'every cell-window was smashed to smithereens and the electric light in every cell destroyed, while the prison re-echoed with the efforts to break down the doors [and] pandemonium reigned till morning'.[22] Once order was restored by the Kent Constabulary, it transpired that Rich's charges (who were promptly dispatched to Dartmoor) had 'regarded it as a piece of gross injustice that they, accustomed as they were to … outdoor work such as quarrying or farming, should be cooped up between four walls building a prison to house themselves and others of their own kidney.'[23] Gone, it seems, were the days when convicts could be relied upon to obediently erect their own cell-blocks.[24]

The gravity of this situation, had, as Rich observed, been greatly exacerbated by the prison's location 'more or less in the centre of a busy town': with scaffolding and ladders lying immediately to hand, 'there was a very real danger that it would not be long before the walls were carried by storm and a considerable number of convicts was loose on the streets'.[25] Beyond the availability of what Gladstone described as a 'large and favourable site' within the old gaol's perimeter wall, factors influencing the decision to situate a new convict prison in the centre of a prominent Kentish market town remain obscure.[26] After October 1907, however, convict administrators would have been keenly aware of this decision's potential ramifications: if a convict prison was to be built at Maidstone, it perhaps now seemed prudent to fill it with convicts whose relative docility could be guaranteed. In September 1909, accordingly, sixty-odd men belonging to Parkhurst's printers' party arrived at Maidstone, tasked with preparing its 'new and excellent' print shop for the delivery of machinery. They were joined at the beginning of October by a further 119 of their fellow Parkhurst star men, travelling on a special train aboard which Maidstone's remaining recidivists then departed. Later that month, sixty-eight star men were transferred from Portland, filling the new prison almost to capacity, its 256-strong population now composed entirely of star men.[27] At Parkhurst, the star class disappeared practically overnight, its chaplain lamenting the 'severe blow' the prison choir had suffered as a result. At Portland,

[22] Ibid., pp.39-41.
[23] Ibid., pp.41-2; HC Deb 31 October 1906 vol. 163 c.1110.
[24] In the mid-1930s, according to Wilfred Macartney, borstal trainees had to be drafted in to build a punishment block at Parkhurst 'because the convicts won't work on such a job'. Macartney, *Walls Have Mouths*, p.53.
[25] Rich, *Recollections*, p.40, p.42.
[26] Ibid., p.36; HC Deb 01 November 1906 vol. 163 c.1302.
[27] *RCPDCP*, PP 1910 [Cd.5360] XLV, 277 (hereinafter *RCPDCP 1909-10*), pp.229-30.

the process was slightly more gradual: writing a year later, its chaplain described the star class there as 'a vanishing quantity'.[28]

## Work

Although the new prison shared a perimeter wall with Maidstone's local prison, Rich maintains that the two establishments were 'entirely separate' and, indeed, 'governed by two separate codes of rules.'[29] This arrangement is confirmed by the career thief-turned-memoirist Stuart Wood, who, sent there in 1915, recalled that Maidstone was 'unique in that it consist[ed] of two prisons', which, 'though quite separate, [were] encircled by one wall'.[30] After the First World War, the convict prison encroached gradually on the local, eventually occupying the entire site once the latter closed in 1930.[31] Thus John Vidler, who ran Maidstone as an experimental 'training centre' in the years following the Second World War, described the establishment he found upon arriving there in 1944 as a 'prison property of about fifteen acres … surrounded by a high wall', behind which 'there was sufficient room for a football ground, gymnasium and concert hall, gardens, bowling rinks, production shops [and] separate chapels for all different denominations'. These facilities had been established piecemeal over the course of three decades (the gymnasium, for instance, opened only in 1928, 'equipped with the latest appliances'[32]); Jim Phelan, who arrived at the prison in 1924, recalled 'workshops scattered over a wide range [and] a farm-garden'.[33] Conceived, according to Vidler, as 'a show convict prison', Maidstone had 'been given excellent shops' and was 'much the best equipped prison in England before the First World War.'[34] Adam Loughborough Ball, an insurance assessor sentenced to three years' penal servitude for his role in a series of commercial arsons, was there in 1933 and found its 'efficiency and cleanliness … astonishing'. It was, a warder informed him, '"the finest bloody prison in the world".'[35]

Alongside printing, Maidstone's principal industry was the work carried out in its tinsmiths' shop,[36] to which Phelan found himself initially assigned, making items such as

[28] Ibid., p.236; *RCPDCP 1910-11*, p.223.
[29] Rich, *Recollections*, p.36.
[30] Wood, *Shades*, p.255.
[31] TNA HO 45/22661: Visitors Report, 1924; Alexander Maxwell, 21 November 1930; Lionel Fox, 19 January 1931.
[32] Ibid.: Visitors Reports,1927-28, 1928-29.
[33] Phelan, *Jail Journey*, p.34.
[34] Vidler & Wolff, *If Freedom Fail*, p.78.
[35] Loughborough Ball, *Trial and Error*, pp.103-4.
[36] TNA HO 45/22661: Fox, June 1930.

buckets, shovels and dishes. He recalled the shop's 'terrific' din and the work itself as 'terribly monotonous and brain-killing'.[37] There was also the ubiquitous tailors' shop, which he describes as 'dusty [and] narrow'.[38] The 'show' prison's centrepiece, however, was its print shop, which was enlarged and updated with new machinery in 1914 and, by 1916, employed over 100 prisoners. It was the English prison system's only printworks, remaining so throughout the interwar period.[39] Phelan describes it as a 'large, airy, pleasant place', which, in comparison to the tin-shop, he found 'noiseless' and 'attractive as a pipe dream'. Machinery occupied one side of this 'long, low, glass-roofed building', with compositors working at one end and bookbinders at the other, presided over by a "civvy" manager and a single warder.[40] Writing in 1922, Hobhouse and Brockway identified printing as an 'important factor' in Maidstone's labour regime, which, they noted, was characterised by work 'mostly of a light, industrial nature'.[41]

For Hobhouse and Brockway, this exemplified a new paradigm: previously, they observed, 'most convicts were employed in quarrying, building, or other heavy open-air labour. Now, a very large proportion of the men are employed in workshops.'[42] Outdoor public-works labour, as we have seen, had been a central pillar of the convict system under Du Cane, who in 1871 argued that it was 'healthier than in-door employment in manufactures, more easily adapted to the mixed capabilities of the body of men we have to deal with, and … much more profitable than the latter can be made to be.'[43] In the decades that followed, however, indoor labour – originally reserved for the aged and the invalid - had supplanted the outdoor ideal as the predominant type of work in convict prisons. As Ruggles-Brise, writing in 1898, acknowledged, this shift was due less to a change in philosophy than to twin exigencies that 'must of course profoundly affect the whole character of our penal servitude system': on the one hand, a 'marvellous falling off in the numbers of the convict population'; on the other an 'increasing numbers of men not certified as fit for hard labour'.[44] Due to the former, Ruggles-Brise explained, it was no longer feasible to

[37] Phelan, *Jail Journey*, p.19, p.26.
[38] Ibid., p.50
[39] *RCPDCP 1909-10*, p.230; *RCPDCP 1913-14*, p.119; TNA HO 45/22661: Visitors Reports, 1913, 1915; Vidler & Wolff, *If Freedom Fail*, p.100.
[40] Phelan, *Jail Journey*, p.50, pp.53-5.
[41] Hobhouse & Brockway, *English Prisons*, p.320.
[42] Ibid.
[43] *RDCP 1870*, p. vii.
[44] *RCPDCP 1897-98*, p.28.

undertake the kind of large-scale project with which penal servitude had once been associated.

Here, the rationale for indoor labour was at its weakest, for fewer convicts could simply have been put to work on more modest public-works projects, which would in turn have been easier to find. A stronger argument for indoor labour lay in the need to accommodate a population no longer considered capable, in the main, of 'navvy work', whether on grounds of age, ill health or physical condition - or, indeed, those of antecedents and sensibility. Crucially, though, the true advantage of indoor over outdoor labour was as a means of effective control: as Parkhurst's Colonel Plummer, writing in 1901, observed, 'in a shop each man has his appointed place and his appointed work, [so] that the control of a body of men is made more easy for the officer, and furtive conversation more difficult for the convict.' He would, therefore, 'always … advocate the extension of workshops in distinction from the form of labour generally associated with the term "public works."'[45] Richard Quinton, similarly, noted in 1910 that 'where men work in shops, or under cover, they can be better controlled'.[46] Of Maidstone's two principal workshops, the tinsmiths' shop conforms more obviously to this disciplinary model. While there, Phelan recalled that he had 'cut and bent gross after gross after gross of … little curved bits of tin, in a material environment that would have depressed a snail'.[47] Some of his co-workers informed him that the shop was Maidstone's 'least desirable and most punitive work-place', yet others found it "all right": the '"screws" let you alone', provided '[y]ou just did your job, didn't move about or talk openly [and] turned out your number of pieces.'[48] From the perspective of the controlled subject, Phelan found that after a few months in Maidstone's tinsmiths' shop, he 'began to lose interest in my questioning', experiencing the work as 'soothing and pleasant in a blank, lazy, dream-like fashion.'[49]

Upon transfer to the print shop (following a sojourn in the prison kitchen and a month gardening), Phelan was struck immediately by its informality: 'People actually moved around without being watched or questioned. Nobody looked *bullied*…' Due to the nature of the work, there 'was no set task'; instead, prisoners were 'begged [or] cajoled … into getting an

[45] *RCPDCP 1900-01*, p.567.
[46] Quinton, *Crime and Criminals*, p.240.
[47] Phelan, *Jail Journey*, p.19, pp.26-7.
[48] Ibid., p.34, p.20.
[49] Ibid., pp.42-3.

urgent job finished, much as [they] might by any decent printer-foreman "outside".'[50] Thus, Phelan and his co-workers had 'permission to behave like intelligent work-people instead of convicts on a treadmill at so many turns per hour', and displayed 'considerable snobbery' with regard to their occupation.[51] Just as some of their predecessors at Parkhurst, as we saw, regarded printing as 'high-class technical work', so Phelan describes men working in the shop as 'expert, intelligent workers' and the quality of their output as 'very high'.[52] The assessment given by one of Hobhouse and Brockway's sources, however, a former convict and a printer-by-trade, who preceded Phelan by only a few years, is closer to the picture painted twenty years earlier by both Jabez Balfour and Henry Montgomery: instructors were 'incompetent' and the work 'not taken seriously either by officers or prisoners'.[53] Indeed, the latter

> generally believed … that the work done is destined to be burned [and would] often take advantage of foolish instructions to spoil a lot of material, only calling attention to the mistake towards the end of the job – not because they are a particularly bad lot, but because they despise the men over them and the useless work they do.[54]

The discrepancy between the two accounts was perhaps merely subjective. Phelan, however, recalls that midway through his time in the shop its warder was replaced and its discipline suddenly tightened, resulting in disaffection among his co-workers and lower productivity.[55] It is therefore possible that Hobhouse and Brockway's informant encountered the shop in the wake of a similar clampdown, and that, by the time Phelan arrived there a few years later, its routine had again assumed a rhythm and character appropriate to the trade. When this then proved inimical to discipline, another clampdown would have followed, the shop's regime thus oscillating between the aspiration of 'industrial training' and the imperative of control.

In the meantime, opportunities for outdoor work at Maidstone were heavily circumscribed, with assignment to the market garden available only to the sick and, even then, according to Phelan, who attempted to wangle a 'permanent shift' as a gardener, for no more than a month.[56] This would later be seen as the prison's principal shortcoming: writing in 1929, Alexander Maxwell, Ruggles-Brise's eventual successor, acknowledged that Maidstone was

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[50] Ibid., pp.54-5.
[51] Ibid., pp.54-5, p.59.
[52] Ibid.; *RCPDCP 1901-02*, p.597.
[53] Hobhouse & Brockway, *English Prisons*, p.322.
[54] Ibid., pp.322-3.
[55] Phelan, *Jail Journey*, pp.56-7.
[56] Ibid., p.53.

'a large and roomy prison with good workshops' but admitted that he had 'long thought that it is not a suitable place for convicts serving long sentences, especially for those serving life sentences.' Ideally, Maxwell thought, such prisoners should 'be given more active employment in the open air.'[57]

## Population, April 1911

Having detailed the circumstances surrounding the establishment of a star-class convict prison at Maidstone, and discussed the establishment's labour regime, this chapter now turns to star men themselves. Whereas Chapter 2 was able to draw on Chatham's surviving prison registers to create a 'snapshot' of the initial star-class intake arriving there in 1880, and, in order to examine the process of star-class selection, on the surviving prison records of individual convicts released in the mid-1880s, detailed sources of this kind do not exist for the later decades of our period (or none, at least, in which an individual convict's star-class status is clearly indicated). Happily, however, the 1911 census return for Maidstone convict prison provides the basis of a second, sharply focused 'snapshot' of a star-class population, captured thirty years after the first. As Maidstone was by this time the only English convict prison to which star men were sent, this allows us not only to apprehend the division as a whole and analyse its constituent elements, but to determine, by comparing this population to its predecessor, the manner in which it evolved after 1880 and the character it came to assume.[58]

On 2 April 1911, Maidstone convict prison held 265 men.[59] Of these, six cannot be identified with certainty and are therefore subtracted from the population discussed in this section, as are a further eleven sentenced by courts martial for military offences (those sentenced by military courts for criminal offences are included). This leaves us with 248 convicts to consider. Although the analysis here refers for simplicity's sake to Maidstone's 'population', it is conducted with respect to this slightly smaller cohort rather than the total number of convicts held in the prison on the night of the census. This population is somewhat larger than the one captured in the earlier 'snapshot' - which, it will be recalled, numbered 196 (and from which military offenders were similarly removed) – but not by so much as to preclude meaningful comparison.

[57] TNA HO 45/22661: Maxwell, 12 December 1929.
[58] See Introduction, p.11, f.n.8.
[59] 1911 Census for England & Wales: RG14 PN4159 RD51 SD3 ED32 SN9999. The return lists individual convicts discussed in this section, providing their former occupations.

The first thing to note is that the star class as a whole was significantly older in 1911 than in 1880: while the average age of a star man arriving at Chatham was thirty-one, at Maidstone it was thirty-nine (see Figure 1). As the Chatham convicts were all in the first eighteen months of their sentence, whereas those at Maidstone were at every different stage of theirs, slight variation along such lines is to be expected. Were we to base our calculation upon the age of the latter soon after conviction, their average would be slightly lower. Nevertheless, the difference is striking and demands further examination. Its most obvious cause is the segregation after 1903 of 'juvenile-adult' convicts – that is, youths aged between sixteen and twenty-one sentenced to penal servitude – first within each of the convict prisons, and then, from 1905, in a concentrated population at Dartmoor, numbering around eighty convicts, roughly half of them stars.[60] This accompanied the development between 1901 and 1908 of the new borstal system, aimed at youths of the same age bracket whose offences would hitherto have attracted penal servitude's three-year minimum sentence (and which, as discussed in this study's Conclusion, also featured a star class).[61]

These twin initiatives had the effect of all but emptying the convict prisons (barring a section of Dartmoor) of prisoners such as Henry Pegg, the sixteen-year-old postman, and Thomas Metcalfe, the fifteen-year-old arsonist, whom we encountered in earlier chapters. Thus, Chatham's initial star-class intake included no fewer than thirty-one prisoners (almost sixteen per cent) aged 21 or under, but at Maidstone there were only two. Of men aged between 22 and 29, moreover, there were sixty-seven at Chatham (just over 34 per cent), compared to fifty-seven at Maidstone (under 23 per cent). (We should also note at this point that all but one of the eleven military prisoners discounted from our analysis were men in their early to mid-twenties: unremarkable at Chatham but notable at Maidstone.) On the other hand, Maidstone's population included many more men in their 50s and 60s. Once the rouble-forging Yankowski brothers were removed from the star class in April 1881, only one sexagenarian remained among Chatham's initial star-class intake - William Coatman, a Durham coalminer convicted with his two sons of kicking a policeman half to death - along

[60] *RCPDCP 1902-03*, p.594; *RCPDCP 1903-04*, p.593; *RCPDCP*, PP 1906 [Cd.2723] I, 1, p.558, p.566, p.570; *RCPDCP 1905-06*, p.18; *RCPDCP*, PP 1918 [Cd.9174] XII, 587, p.12. In 1923, this 'star class of young convicts' returned from Dartmoor to Maidstone, where it occupied 'Howard House', hitherto a section of the local prison. *RCPDCP 1922-23*, p.27; *RCPDCP*, PP 1924-25 [Cmd.2307] XV, 335, p.21; TNA HO 45/22661: Visitors Reports 1924, 1925.

[61] Radzinowicz & Hood, *Penal Policy*, pp.384-6; Victor Bailey, *Delinquency and Citizenship: Reclaiming the Young Offender, 1914-1948* (Oxford: Clarendon, 1987), pp.188-9, p.207.

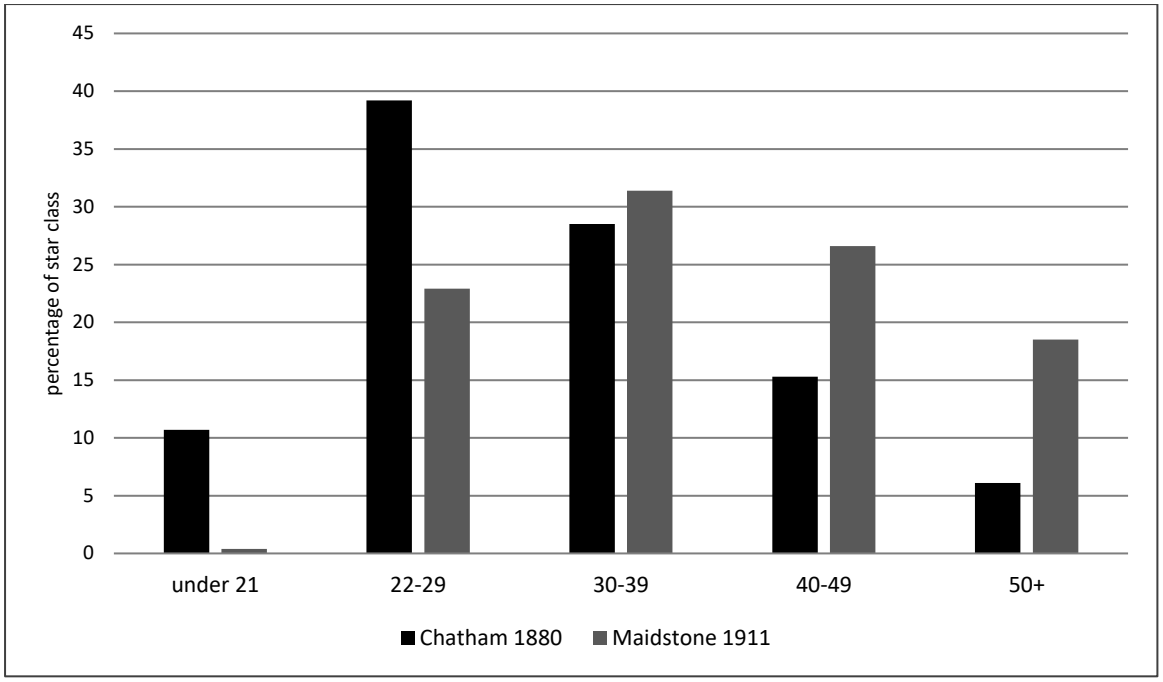


*Figure 4.1: Star men by age, 1880-1911*

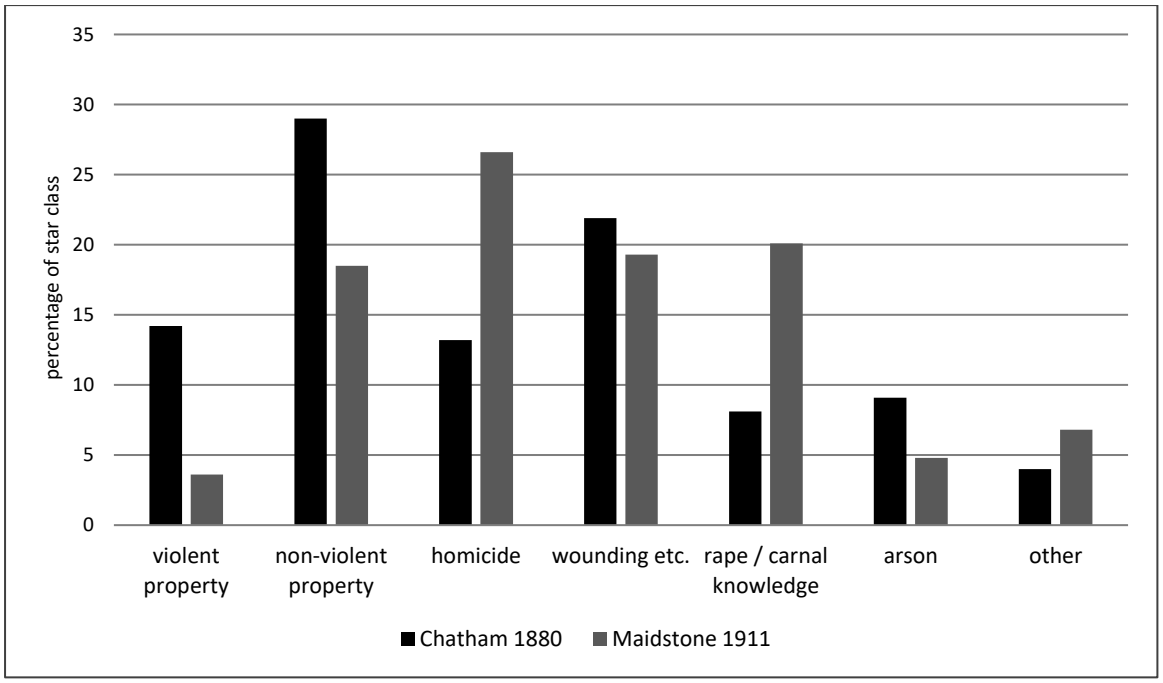


*Figure 4.2: Star men by offence, 1880-1911*

with eight quinquagenarians. Maidstone, by contrast, held fourteen of the former and thirty-two of the latter, amounting in total to 18.5 per cent of its population (its oldest convict, 66-year-old Charles Slingsby, a former cattle farmer sentenced to ten years for wounding at Chester Assizes in 1904, had shot a man in what he claimed to be an act of self-defence[62]).

This demographic shift accompanied a drop in the number of star men convicted of a property offence: whereas in 1880, such prisoners had been in equal proportion to those convicted of offences against the person, there were by 1911 only sixty-seven property offenders at Maidstone (including a dozen arsonists), amounting to roughly 27 per cent of its population (see figure 2). Among these, as we shall see, Balfour's 'elderly men, who have been bankers, brokers, lawyers, merchants, and the like' were much in evidence.[63] But many of Maidstone's older prisoners were drawn from humbler backgrounds than this, and were serving sentences – often very lengthy sentences – for offences against the person.

## (a) Property offenders

Pickpockets and petty thieves, it will be recalled, were absent among Chatham's eighty-five property offenders, as might be expected in a population sentenced to penal servitude for a first offence. They were, nevertheless, a fairly heterogeneous bunch: a 'highly respected' cotton merchant and two solicitors represented the 'gentlemanly' end of the spectrum; at the other were ten men convicted of robbery and sixteen of breaking. Seven men described as clerks, aged between eighteen and 52, had been sentenced for offences of embezzlement and/or forgery involving sums ranging from £400 to a colossal £73,000, but the largest and most distinct group of non-violent property offenders were Chatham's twenty-four 'Post Office men', whose convictions, in the main, were for far smaller sums.

Among property offenders at Maidstone, by contrast, only two men had been convicted of robbery and four of breaking; another had been sentenced for burglary and wounding with intent to murder. Together with two men convicted of sending menacing letters in order to extort money, this handful of convicts were the prison's only violent property offenders. Yet even within this tiny cohort, men were an exception whose presence elsewhere in the English prison system would have been utterly unremarkable. Frederick Martin, for instance, a farm labourer sentenced in 1905, aged 20, to seven years for burgling two houses in Southgate, Middlesex, was one of only four men convicted of breaking, and William Phillips, a Royal

[62] TNA HO 140/230; *Hull Daily Mail*, 21 July 1904, p.2.
[63] Balfour, *Prison Life*, p.173.

Navy seaman who received five years in 1908 for beating up a fellow sailor at a house in Cardiff and robbing him of a pound, one of only two convicted of robbery.[64] The other was George Wooltorton, a former butler who had broken into the home of his ex-employer, a Hertfordshire magistrate, and threatened him with a revolver as he lay in bed, demanding £10,000. Somewhat eccentrically, Wooltorton then agreed to take £10 on account, for which he was convicted and sentenced to seven years' penal servitude.[65] The man convicted of burglary and wounding with intent was Joseph Blunschi, a Swiss national, sentenced to fifteen years' penal servitude in 1901 for attempting to burgle the Manchester hotel that employed him as a cook; disturbed by a porter in the act, he had attacked the man with a meat cleaver.[66]

Maidstone's forty-six non-violent property offenders were, again, hardly typical. Only nine had been convicted (some of them along with other offences) of larceny, the offence which accounted at the time for around 95 per cent of non-violent property crime reported in England and Wales.[67] One was Frederick Teale, a music teacher from Cheltenham, who, claiming to have obtained a post as church organist at All Saints, Oxford, at a salary of £250 per annum, had borrowed £42 15s. 6d. from his fiancé. For this, he was convicted of obtaining money by false pretences and sentenced to five years' penal servitude; the additional count of larceny related to three more shillings he had taken from her purse.[68] Three larcenists were corn porters who had committed a series of grain thefts from ships moored in Bristol Harbour, masterminded by a fourth man, Gilbert Crew, a corn and forage dealer, whose own conviction was for receiving.[69] The rest had all stolen significant sums from their employers. Benjamin Stirrup, for instance, a watch repairer at Manchester's Co-operative Wholesale Society, made a key that allowed accomplices to steal forty-seven diamond rings and 475 gold rings from its jewellery safe, while Edward Shaw stole sums amounting to over £1,700 from the Morecambe branch of the Manchester & Liverpool District Bank, where he had worked as clerk, blaming his actions on 'a mad craze for poultry fancying'.[70] With penal servitude no longer mandatory in cases of postal theft, subsequent to

[64] TNA HO 140/253; TNA HO 140/263; *London Daily News*, 30 May 1904, p.9; *Gloucestershire Echo*, 18 July 1908, p.4.
[65] TNA MEPO 6/25; *Watford Observer*, 9 November 1907, p.6.
[66] TNA MEPO 6/25; *Lancashire Evening Post*, 4 October 1901, p.4.
[67] Gatrell, 'Decline', p.354.
[68] TNA HO 140/263; *Cheltenham Chronicle*, 17 October 1908, p.2; ibid., 24 October 1908, p.4.
[69] TNA HO 140/271; *Western Daily Press*, 20 October 1909, p.7.
[70] TNA HO 140/265; TNA MEPO 6/22; *Manchester Courier and Lancashire General Advertiser*, 21 February 1908, p.18; ibid., 26 February 1909, p.17.

the 1908 Post Office Act,[71] John Fairclough, a Liverpool sorting clerk, was Maidstone's sole 'Post Office man': he had intercepted a parcel from a Birmingham manufacturer containing sixty-one gold brooches and twenty-one gold scarf-pins.[72]

Taken together, the property offenders discussed so far – both 'violent' and non-violent - numbered nineteen men in all, of whom no fewer than twelve had either stolen from an employer or taken advantage of an opportunity presented by their employment. Over half were in their twenties: at 22, the youngest was Jack Nickerson, a private in the 2nd Dragoon Guards, who had attempted to extort £230 from a Royal Navy admiral.[73] The oldest were Charles Winborne, 42, an Essex blacksmith also convicted of attempted extortion, in this case from the wife of diamond magnate and racehorse owner Jack Barnato Joel, and Richard Vernon, also 42, who stole eighty-four brass candlesticks from the Midland Railway Company, which had employed him as a carter.[74]

This diverse collection of robbers, burglars and larcenists can be contrasted with a larger, on average much older, and far more homogeneous group consisting of men convicted of fraud, embezzlement and/or forgery, or combinations thereof.[75] Offences of this kind amounted to a mere fraction of the non-violent property offences reported in England and Wales at the time, of which it has been estimated only one per cent were frauds and between one and two per cent embezzlements.[76] At Maidstone, however, there were 36 men convicted of such offences, almost fifteen per cent of its population. Ten had been solicitors: Henry Square, for instance, a Devon solicitor in his early fifties, was indicted for misappropriating over £4,000 over a four-year period from an elderly widowed client, eventually pleading guilty to two counts of fraudulently converting £2,400. According to his defence counsel, Square had used his client's money to cover debts to stockbrokers; 'an honest and honourable man', he had 'been already heavily punished, and any punishment which might be meted out to him … could not have any further effect on [his] spirit, seeing how broken a man he was.' Passing a sentence of six years' penal servitude, his trial judge

[71] 8 Edw. VII, c.48, s.50.
[72] TNA MEPO 6/23; *Dundee Courier*, 10 March 1909, p.4.
[73] TNA HO 140/274; *Morning Post*, 29 November 1909, p.3.
[74] TNA HO 140/266; TNA HO 140/277; *Morning Post*, 23 October 1908, p.7; *Daily Telegraph & Courier*, 13 October 1909, p.4.
[75] Forgery was classed as a 'crime against the currency'; in practice, forging a signature, signing a bad cheque, or any number of similar actions might result in an indictment for the offence. As none of the men discussed here were coiners or counterfeiters in the traditional sense, they are grouped with non-violent property offenders.
[76] Gatrell, 'Decline', p.354.

remarked that he had heard similar cases involving solicitors 'not infrequently in the course of the last ten or fifteen years', and although Square's was not 'the worst' of these, it was 'a very bad one.'[77]

As much as for solicitors, opportunities to steal were ever-present for bank employees. In addition to Shaw, the poultry-fancying clerk already mentioned, Maidstone's population included six more former bank employees, two of them branch managers. Among the latter, Alfred Bentham had joined the Manchester & County Bank in 1873 and managed its Piccadilly branch for sixteen years, the last seven of which had seen him fraudulently obtain from the bank and its clients sums exceeding £7,500. His defence counsel explained that in attempting to move in 'good business and social circles', Bentham had 'paid too much for rent, spent too much on his garden'; prosecuting counsel argued that his offences had required 'an unusual degree of ingenuity, audacity and systematic fraud'.[78] Lower down the banking profession's hierarchy, Francis King, formerly a cashier at the Kensington branch of the London & Southwestern Bank and, at 32, the youngest of the thirty-six men, was Maidstone's most ambitious and audacious former bank employee. Described in the press as 'a man of socialistic tendencies and peculiar notions', he provided his accomplice, a young Dutch journalist, with forged advice notes and a password that allowed him to withdraw £90 in gold and £2000 cash, amounting to over £16,000, from eight of the bank's branches, which he visited in a single morning in September 1909, touring South London in a motor taxi. According to King's accomplice, the men conceived the enterprise in a ludic spirit: 'the devilment of the matter, the excitement, the ingenuity, the humour, and the almost impossible success to crown it all' had drawn them to it (as was suggested by the assumed name under which it had been carried out: D.S. Windell, 'meaning d- - swindle').[79]

Six of Maidstone's convicts had committed offences related to their position as the secretary of a building society or other mutual organisation. In falsifying the accounts of the Wakefield and West Riding Permanent Building Society, 50-year-old Mark Merry, for example, employed there for over thirty years and described as a 'man of culture and literary taste', was estimated to have profited by around £13,000, allowing him to move 'in society very different from a man of his financial position'.[80] Two men had misappropriated funds as the trustees of wills, while a third, Frederick Pilcher, forged the will of a spinster cousin who

[77] TNA HO 140/263; *Western Morning News*, 23 June 1908, p.8.
[78] TNA HO 140/265; *Manchester Courier and Lancashire General Advertiser*, 27 November 1908, p.17.
[79] TNA HO 140/274; *Kilburn Times*, 21 May 1909, p.8.
[80] TNA HO 140/261; *Yorkshire Evening Post*, 18 July 1907, p.5

had died intestate worth £20,000, for which he was tried at the Old Bailey, receiving a three-year sentence in 1910. In terms of his former social rank, Pilcher, an engineer and naval architect employed by the Admiralty, who had also served as a commissioner of the Board of Trade and a colonel in the Territorials, belonged to the cohort's upper reaches.[81] At 62, he was also the oldest of its five sexagenarians; among the thirty-six men, a further twenty were aged between 40 and 59, and only five under 35.

The scale of Pilcher's offence was one of the cohort's largest, exceeded only by those of Harry Pope, aged 58, a Norfolk draper's valuer who misappropriated £28,000 from a trust he administered, and John Williams, 48, who forged cheques worth over £29,000 while employed as a manager by a New York publisher. Prior to his arrest in 1909, Williams had married a 'lady of highest respectability', purchased a colliery in his native Wales, and entertained political ambitions.[82] Like Pilcher, both men had been sentenced to three years' penal servitude; all three would be released from Maidstone within a year of the census being taken. None of them, however, could hold a candle to Anthony Rowe, aged 46, the former secretary of a firm mining gold in Western Australia, who had received a ten-year sentence at the Old Bailey in 1903 for obtaining £14,750 by forging share transfers, but was believed to have defrauded the company of as much as £120,000 (equivalent today to over £12 million).[83]

The planned and deliberate character of such offences, some of which spanned decades, belies any notion that they were committed by men 'driven into a tight spot'. Whilst many of Maidstone's star men, as we shall see, could indeed be described as 'accidental criminals', having committed their offences impulsively, this could not be said of a prisoner such as Rowe. Even among the less ambitious of the thirty-six men, the majority had been convicted of offences involving four-figure sums. These ranged from the £8,200 obtained by 43-year-old Hugh Allen, a Taunton bank clerk, who for six years fiddled his employer's books to cover gambling and share-dealing debts, to the £1,163 misappropriated from a trust by solicitor Charles Moordaff, 45, who also served as a town councillor and magistrate's clerk in the Westmorland town of Appleby. Allen had received a four-year sentence, Moordaff

[81] TNA HO 140/282; *Yorkshire Post and Leeds Intelligencer*, 25 June 1910, p.5; *Aberdeen Press and Journal*, 27 July 1910, p.3.
[82] TNA HO 140/283; TNA HO 140/274; *Eastern Evening News*, 26 January 1910, p.3; *Manchester Courier and Lancashire General Advertiser*, 28 May 1909, p.5; *Yorkshire Post and Leeds Intelligencer*, 23 June 1909, p.8.
[83] TNA CRIM 9/49; *Morning Post*, 25 November 1903, p.9; *London Evening Standard*, 18 December 1903, p.8; *Prospectus of the Great Fingall Associated Gold Mining Company* (1903), http://digital.slv.vic.gov.au/dtl_publish/pdf/marc/14/779408.html (accessed 12 April 2019).

three.[84] In company such as this, Louis Henshall, a 46-year-old Liverpool timber merchant, must have counted himself exceedingly unlucky to have been sentenced to four years' penal servitude for forging invoices worth £79.[85]

Lastly, before moving on to those Maidstone convicts convicted of offences against the person, we should briefly consider the prison's twelve arsonists. It will be recalled that among Chatham's first star-class intake, eighteen men, amounting to over nine per cent of its star-class population, had been convicted of this offence. Eight had set fire to homes, rented business premises or haystacks for insurance purposes, another seven to haystacks, harvested crops and/or barns for purposes ranging from revenge to entertainment, and one – a former butler – to his employer's home in an attempt to conceal larceny.[86] Maidstone's twelve arsonists made up less than five per cent of its population, representing a drop in the proportion of arsonists within the star class of almost 50 per cent since 1880. As the offence continued to be viewed as serious, this suggests a decline in the number of cases reported and prosecuted rather than more lenient sentencing. Maidstone's arsonists did in fact receive shorter sentences than their Chatham predecessors – between three and five years in all cases but one - but as the minimum term of penal servitude had been reduced in 1892 from five years to three, this alone would not have resulted in fewer arsonists winding up in convict prisons.

Their diminishing number aside, we can also observe that in contrast to the predominantly rural character of Chatham's arsonists (twelve cases or over 60 per cent), just three of Maidstone's were farm labourers, of whom only one had fired a stack.[87] A second stack had been set alight by Frederick Spring, an unemployed shoemaker who had tramped from Northampton to Shrewsbury, with the intention of obtaining a prison sentence (there had been a similar case at Chatham).[88] Another arsonist was the disgruntled employee of a saw-mill,[89] and two further cases can be regarded as outliers. One, George Woodward, aged 49, a retired publican, set fire to a cottage near Lewes rented from Sir William Grantham, the distinguished judge and former Conservative MP, who had threatened to evict him;[90] the

[84] TNA HO 140/268; TNA HO 140/277; *Chard and Ilminster News*, 25 July 1908, p.2.; *Grantham Journal*, 3 April 1909, p.7.
[85] TNA MEPO 6/23; *Manchester Courier and Lancashire General Advertiser*, 15 March 1909, p.8.
[86] See Chapter 2.
[87] TNA MEPO 6/26; TNA HO 140/284; TNA HO 140/276; *Dundee Courier*, 19 January 1911, p.4; *Eastern Evening News*, 20 May 1909, p.2.
[88] TNA HO 140/268; *Northampton Mercury*, 9 October 1908, p.9.
[89] TNA HO 140/271; *Chelmsford Chronicle*, 10 September 1909, p.2.
[90] TNA HO 140/268; *Sussex Agricultural Express*, 6 June 1908, p.10.

other, 40-year-old Thomas Fallon, was the closest thing Maidstone had to a political prisoner: in January 1910, during a dispute over the implementation of the Eight Hours Act, he had been among striking miners who rioted at the Horden Colliery in County Durham, looting and setting fire to a company-owned social club.[91]

In contrast to this disparate group of offenders, Maidstone's five remaining arsonists conformed to a type. Four were business-owners who had attempted to defraud insurance companies: Leon D'Iszoro, for instance, a 48-year-old Russian national, had received seven years for burning down the Aqua Engineering Works at Stockton, where he manufactured pumps and hydraulic turbines, while Charles Reynolds, 51, a mill-owner and farm equipment manufacturer, was serving five years for committing a similar offence at his premises at Exeter, having found himself £7,500 in debt.[92] The fifth man was Harry Matthews, aged 28, who, as manager of a Stafford colliery, had set fire the company's office in order to destroy paper evidence of financial irregularities.[93] These five men might be thought of as closer to the thirty-six professionals and businessmen discussed above than to stack-firing farm labourers. As with Maidstone's non-violent property offenders, there remained among its arsonists some of the heterogeneity that had been evident at Chatham, but by now confined to a smaller population, to which another distinct group stood in contrast. Taking Maidstone's sixty-seven property offenders as a whole, given the preponderance among them of middle-class men convicted of offences relating to business and/or professional practice, it is perhaps appropriate (as it would not have been at Chatham) to refer to a concentration within the prison of 'white collar criminals', albeit *avant la lettre* (see figure 3).

## (b) Offences against the person

On April 2 1911, there were 181 men at Maidstone convicted of offences against the person, outnumbering property offenders by over two-to-one. Among these, sixty-six had been convicted of a homicide: twenty-eight had received death sentences for murder that were then commuted to penal servitude for life, and a further thirty-eight sentences for manslaughter. This represented just over a quarter (26.6 per cent) of the prison's population, and a marked rise in the proportion of star men convicted of such offences: at Chatham in 1880 there had been just twenty-five (around 12 per cent), eight of them convicted of murder. As the

[91] TNA HO 140/279; *The Times*, 28 January 1910, p.10.
[92] TNA MEPO 6/26; TNA HO 140/279; *Nottingham Evening Post*, 20 February 1909, p.6; *Exeter and Plymouth Gazette*, 4 November 1910, p.12.
[93] TNA HO 140/276; *Birmingham Daily Gazette*, 20 November 1909, p.4.

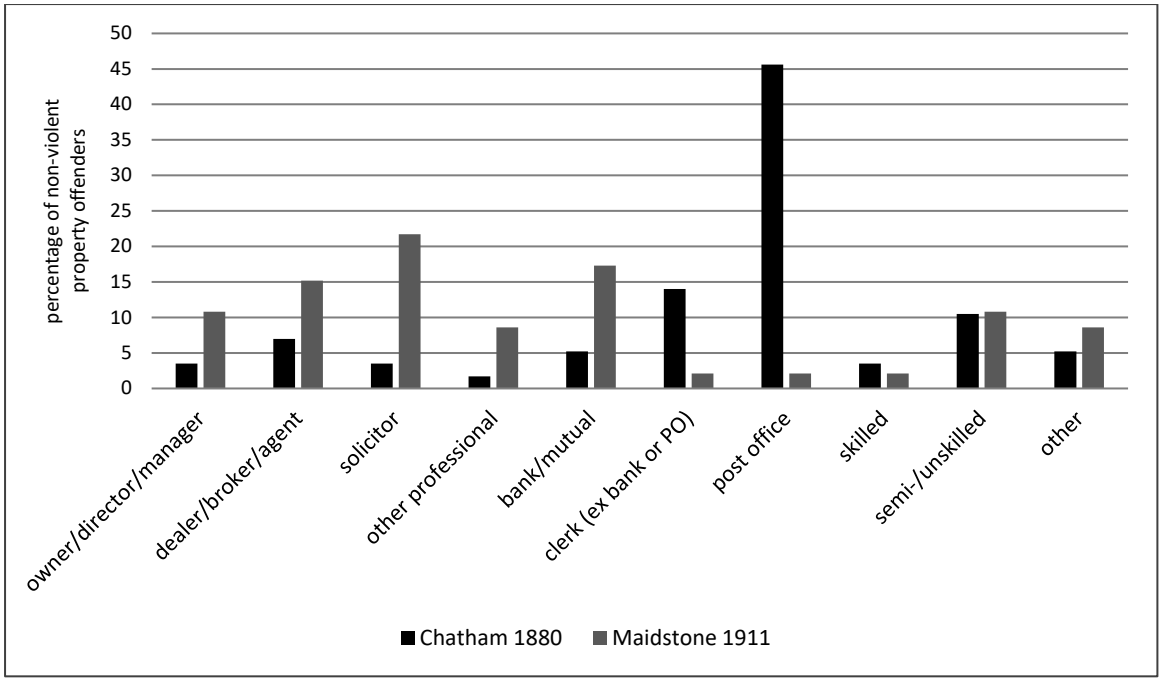


*Figure 4.3: Star-class non-violent property offenders by former occupation, 1880-1911*

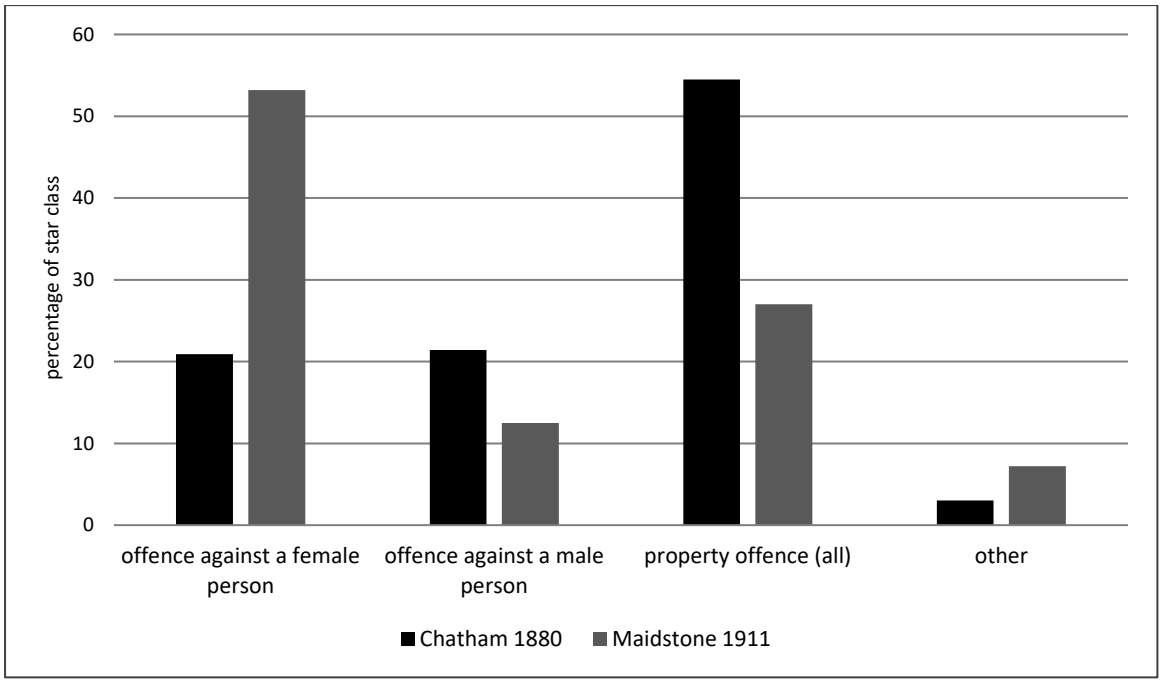


*Figure 4.4: Proportion of star men convicted of an offence against a female person, 1880-1911*

decades between 1880 and 1910 witnessed a significant fall in the number of convictions for homicide in England,[94] this increase can be attributed in the first place to changes in sentencing, and most obviously to the greater likelihood of clemency for men sentenced to death. But as the overwhelming majority of the homicides for which Maidstone's convicts had been convicted were, as we shall see, unpremeditated acts committed in the heat of the moment and/or while drunk, it is also conceivable that conviction rates for this kind of offence had risen. Exploring this question, however, lies beyond the present study's scope. Convicts sentenced for serious violent offences – attempted murder, or wounding or shooting with intent to murder or harm – were represented in broadly similar proportion at both Maidstone and Chatham: the former population included forty-eight such men (around 19 per cent); the latter, forty-three (just under 22 per cent). By contrast, the number of men convicted of a sexual assault – rape, indecent assault, or 'carnal knowledge' of girl aged under sixteen (or in 1880, thirteen) – was far higher at Maidstone, where there were fifty such prisoners (around 20 per cent), than at Chatham, where there were sixteen (around 8 per cent). This increase is unsurprising, mirroring as it does a steep rise in convictions for sexual assault during the decades in question.[95]

In 1897, moreover, Ruggles-Brise had rescinded the rule whereby 'persons guilty of the graver forms of sexual crime are categorically excluded from [the star] class, whatever their antecedents may be.'[96] This rule, it will be recalled, was due to the Kimberley Commission having stipulated that men 'guilty of unnatural crimes and indecency' should be excluded from its proposed division for first offenders. Subsequent confusion and/or excessive zeal then led to this category's expansion to include not only sodomy, but also rape committed with other men or under 'brutal' circumstances and, later, offences involving children and/or family members.[97] Ruggles-Brise had felt that such offences were 'due to temporary uncontrollable passion … where the criminal instinct, in the ordinary sense, is not present'. He therefore 'decided to modify the existing rule which regulates admission to the star class', decreeing that 'every case, without exception, should be made the subject of review [and] decided on its merits'. A convict would, he explained, still be disqualified if the circumstances of his offence were 'so brutal, or the character of the man so bad', but there

[94] Gatrell, 'Decline', pp.286-7, pp.343-5.
[95] Ibid., pp.288-9.
[96] *RCPDCP 1896-97*, p.17.
[97] See Chapter 2.

was no good reason why 'cases should of necessity be debarred from a class containing, as it does, criminals guilty of all other crimes of violence, including murder.'[98]

Despite the Gladstone Committee's having only recently dismissed criminal pedagogy's dangers as 'exaggerated', Ruggles-Brise justified the rule-change with recourse to contamination's familiar tropes, arguing that as 'the sexual offender rarely, if ever, comes of a habitually criminal stock … if we can keep him from all contamination from the habitual thief in prison … we shall contribute in a practical manner to his chances of rehabilitation.'[99] The question of whether 'sexual offenders', concentrated, as at Maidstone, in significant numbers, might exert a bad influence upon *one another* seems not to have concerned him. Balfour, however, writing in 1907, appears aware of such a possibility, at least with regard to 'juvenile adults' at Parkhurst, whose segregation from older star men had coincided with the final years of his sentence. As most of 'these somewhat unwholesome youths', according to Balfour, had been convicted of 'one particular offence', 'herding them all up together had the tendency to foster and encourage thought and conversation exclusively on one particular topic, the topic that it would have been best for them all to forget.'[100] Though Balfour does not specify the topic's exact nature (which in itself suggests that this was sexual), Ruggles-Brise had noted a decade earlier that among 'juvenile adult' convicts sentenced for offences against the person, convictions for rape, 'carnal knowledge' and 'unnatural offences' predominated; introducing the 1898 Prison Bill's second reading in the Commons, Sir Matthew White Ridley confirmed that around half of those belonging to this 'exceptional class of ruffianism' had been sentenced for 'sexual crimes' (and the other half for robbery with violence or a homicide).[101] Conversely, Hobhouse and Brockway suggest that the perceived danger of their contamination by older prisoners, in the sense not of criminal pedagogy but sexual corruption, lay at the heart of the policy to segregate 'juvenile adults': the 'domination of the mind by sexual ideas' among prisoners generally, they claim, made necessary 'most of the precautions against the contamination of young first offenders'.[102] If this were indeed true, then the removal of 'juvenile adults' from the star class after 1903 was perhaps partly a response to the inclusion in it, after 1897, of sexual offenders regardless of the character of their offence.

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[98] *RCPDCP 1896-97*, p.17.
[99] Ibid., p.18.
[100] Balfour, *Prison Life*, p.305.
[101] *RCPDCP 1896-97*, p.17; HC Deb 24 March 1898 vol. 55 cc.840-1.
[102] Hobhouse & Brockway, *English Prisons*, p.589.

Such confusion and ambiguity around 'sexual offenders' - as vulnerable to contamination in one sense, yet, in another, as the source of it – is perhaps unsurprising: though employed by Ruggles-Brise as early as the mid-1890s, the designation would not enter English criminal law until 1956.[103] As we saw in Chapters 1 and 2, 'the graver forms of sexual crime' to which Ruggles-Brise alluded encompassed a range of offences, not only assaults upon women and girls, but also the 'unnatural' offences of bestiality and sodomy. Faced with such complexity and variation, Ruggles-Brise adopted a tactic similar to that employed twenty years earlier by Adolphus Liddell, who, it will be recalled, had argued that for young agricultural labourers to have sex with farm animals was 'natural', just as rape was also 'natural' but consensual sex between men was not.[104] Ruggles-Brise, for his part, in reporting the removal of restrictions on 'sexual offenders' entering the star class, mentioned neither sex between men nor sex with animals, giving only rape as an example of the offences in question. Thus, he managed to elide the complexity of 'sexual crime' within a single offence, one to which he attached, moreover, a distinctly rural - and hence 'natural' – character. There was, he argued, 'a very clear line of demarcation between the city thief and the sexual offender. Many of the latter come from agricultural districts; most of them allege that they committed the offence when under the influence of drink: they break the law under the impulse of an uncontrollable passion'.[105]

To portray 'sexual offenders' primarily as overheated farm boys was, needless to say, reductive. But such elision spared Ruggles-Brise from having to describe the precise constituents of 'sexual crime'. It might also have contributed to the evident confusion of Hobhouse and Brockway, who, writing twenty-five years after Ruggles-Brise's report, maintained that 'the regulations exclude men guilty … of certain sexual offences' from the star class, although the 'exclusion does not appear to be strictly carried out'.[106] Indeed, Maidstone and the star class appear by the early 1920s to have become synonymous with 'sex crime' in all its forms: an informant told Hobhouse and Brockway that the '"whole possible catalogue of sexual offences … seems to be represented at Maidstone Convict prison, which is reserved for Stars."'[107] This chimes with Phelan's recollection that 'the whole jail, outside of the thief-convicts … seemed to be some horrible nightmare place at first, where people

[103] Leslie J. Moran, *The Homosexual(ity) of Law* (London: Routledge, 1996), p.67.
[104] See Chapter 2.
[105] *RCPDCP 1896-97*, pp.17-8.
[106] Hobhouse and Brockway, *English Prisons*, pp.317-8.
[107] Ibid., p.318.

thought of the weirdest and most outlandish things to do'. It was, he wrote, 'perhaps not generally known that apart from economic crimes, the bulk of our prison population is made up of sex-and-cruelty cases. I certainly did not know it before my arrival at Maidstone.'[108]

The prison's 1911 population included several men convicted of offences whose character would, before 1897, have disqualified them from the star class: William Sutton, for instance, a 26-year-old farm labourer from Kent, had raped his victim at knife-point, while John Lamonby, a solicitor's clerk, and Granville Arundale, a wool weaver, both aged 22, had committed their offence jointly, raping their 30-year old victim in a field outside Bradford and stealing from her a ring and five shillings, aided and abetted by three other men.[109] Among Maidstone's convicted murderers, moreover, George Stoner, a former commissioning agent dubbed 'Hull's "Jack the Ripper"' by the press, had been sentenced to death in 1898 for killing a prostitute, whose body he mutilated and burned; a case described by the trial judge as 'too awful for words'. Stoner, who exhibited 'the greatest sangfroid' in court, was reprieved on the grounds that he had not intended to cause his victim's death, and eventually released in 1913.[110] Another man, Harold Hall, a 29-year-old merchant seaman, had also killed a prostitute, whom he stabbed and strangled at her East End lodgings. Having turned himself in at a Bristol police station a fortnight later, Hall claimed his victim had attempted to rob him and, though sentenced to hang in 1909, was reprieved on these grounds and released in 1917.[111]

If such men confounded any straightforward characterisation of the 'sexual offender', then so too did those convicted of offences for which a second participant was also sentenced – men, that is, found guilty of sexual acts which, although criminal, appear at the same time to be have been understood as consensual (the irrelevance of consent to an illegal sexual act notwithstanding). The cases of two Maidstone convicts, Andrew Prickett, a Brighton printer, and Henry Hunt, a Surrey gardener, both aged 51, were of this kind: both had received three-years' penal servitude under the 1908 Punishment of Incest Act, which defined incest for the first time as a specific criminal offence, their adult daughters having also been sentenced to

[108] Phelan, *Jail Journey*, p.286, p.289.
[109] TNA HO 140/280; TNA HO 140/285; *Dover Express*, 25 November 1910, p.8; *Leeds Mercury*, 16 July 1910, p.3.
[110] TNA HO 140/189; TNA MEPO 6/25; *Leeds Mercury*, 30 July 1898, p.14; *Edinburgh Evening News*, 26 July 1898, p.3; *Tamworth Herald*, 24 December 1898, p.7.
[111] TNA HO 140/274; TNA MEPO 6/29; *Illustrated Police News*, 31 July 1909, p.7.

two years' imprisonment.[112] The same was also true for at least two of the nine men at Maidstone convicted of 'unnatural offences': when James Rainey, a Royal Navy seaman, aged 37, was sentenced to seven years' penal servitude for sodomy by court martial at Devonport in 1910, Thomas Banfield, an 18-year old officers' steward (not at Maidstone), also received five years.[113] Similarly, when Alan Hayward, 30, a former draper's porter from Poole, received a five-year sentence for sodomy at Dorset Assizes in 1908, a fourteen-year-old errand boy was bound over at the same time.[114] Of the nine men, Rainey, one of three Royal Navy seamen at Maidstone convicted of an 'unnatural offence', was the oldest and 20-year-old William Ellis, who, having enlisted in the Royal Navy in January 1910, was court martialled for sodomy eight months later, the youngest – indeed, he was Maidstone's youngest convict.[115]

The 'unnatural offences' of two men – Nelson Wells, aged 25, convicted of assaulting and robbing a fellow hop-picker in Hampshire, and then attempting to sodomise him while he lay unconscious, and 24-year-old Frederick Wythe, a Hampshire farm labourer convicted of sodomising and maliciously killing a sheep - would today still be criminal.[116] But so, too, would Hayward's offence (and possibly those of two other Maidstone convicts reported in the press as having committed an offence with a 'boy'), though today on grounds of the age rather than the sex of a second party. Until 1967, however, any sexual act between men was illegal and the age of consent therefore irrelevant to the prosecution of such offences; indeed, as Hayward's case illustrates, courts might even regard adolescent boys partly culpable in their commission. Unlike homicide, say, whose definition is unalterably fixed, changing conceptions of what constitutes a 'sexual offender' thus limit the category's usefulness as a tool of historical analysis. Rather than treat 'sexual offenders' as a discrete category, it is, then, perhaps more instructive to consider the large number of such prisoners – indeed, the vast majority – who had subjected women or girls to acts of violence; that is, to see them instead as belonging to this far more extensive group.

[112] TNA HO 140/284; 8 Edw. VII, c.45; Philip Johnston, 'How incest slipped from the statute book', *The Telegraph*, 23 November 2002, https://www.telegraph.co.uk/news/health/3299240/How-incest-slipped-from-statute-book.html (accessed 13 April 2019).
[113] TNA MEPO 6/27; *Royal Cornwall Gazette*, 30 June 1910, p.5.
[114] TNA HO 140/263.
[115] TNA ADM 188/1097/3259.
[116] TNA MEPO 6/25; TNA MEPO 6/22; *Hampshire Telegraph*, 16 November 1907, p.3; *Hampshire Chronicle*, 13 June 1908, p.8.

There were 130 such prisoners at Maidstone, over 52 per cent of its population, double their proportion at Chatham, where they had numbered forty-three, or around 21 per cent (see figure 4). Twenty-five men had killed their wives or common-law wives, and a further twenty-eight seriously wounded them (eight of them with intent to murder). Most of these offences represented the culmination of a violent quarrel: James Curley, for example, a 34-year old labourer, received eight years for manslaughter at the Old Bailey in 1909, having assaulted his common-law wife with a poker during a drunken argument and then thrown her from a window of their home in Southwark.[117] A woman separating, or threatening separation, from her husband (or common-law husband) was most commonly cited as the cause of such incidents. Albert Thompson, for example, aged 46, a hotel cook from Forest Hill, South London, was sentenced to death at the Old Bailey in 1905 for murdering his estranged wife, whose throat he cut in the presence of their five children, while George Press, 52, a ship's carpenter, received fifteen years for wounding at Bristol Crown Court in 1907, having attacked his wife with an axe, maiming his adult daughter at the same time.[118]

Equally, such offences were often attributed to suspected infidelity, as was that of James Holden, 48, a Nottinghamshire forge-worker who had attacked his wife and killed their neighbour with a hatchet, receiving seven years for manslaughter.[119] But they might also result from the most trivial provocations: John Haigh, for instance, a 42-year-old mine labourer from Castleford, West Yorkshire, ended up in Maidstone having killed his wife with a single blow when she refused him threepence for beer.[120] Drink was often (though by no means always) a factor: Samuel Poulter, 44, a Cambridgeshire butcher, spent the day drinking rum and beer before shooting his wife in the head as she ran terrified from their house; John Steere, 56, a Devon publican, who had no recollection of attempting to drown his wife in a garden water tank, 'had been drinking for a considerable period and was approaching delirium tremens'. James Allison, 44, the manager of a pub in Covent Garden, 'had been drinking hard all week' when he shot his wife dead during an argument; sentenced to death at the Old Bailey in 1896, he would leave Maidstone within months of the census being taken.[121]

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[117] TNA HO 140/274; *South London Press*, 12 February 1909, p.5.
[118] TNA HO 140/242; TNA HO 140/255; *The Scotsman*, 10 February 1905 p.7; *Western Times*, 23 November 1907, p.4.
[119] TNA HO 140/275; *Sheffield Daily Telegraph*, 2 February 1909, p.9.
[120] TNA HO 140/269; *Yorkshire Evening Post*, 18 July 1908, p.6.
[121] TNA HO 140/246; TNA HO 140/279; TNA CRIM 9/42; TNA MEPO 6/22; *Ipswich Evening Star*, 16 January 1906, p.4; *Cornish & Devon Post*, 5 February 1910, p.7; *Lloyd's Weekly Newspaper*, 7 1896, p.15.

The similarity of such offences, and their prevalence among star men, is unsurprising. Just as businessmen and professionals convicted of fraud or embezzlement were likely to have been convicted of a first offence, though one serious enough to merit penal servitude, so, too, were men driven to murderous acts that were neither premeditated nor committed for gain, but motivated instead by rage or jealousy and often fuelled by drink, a characteristic ingredient of the star class. And just as many of the former, as we have seen, carried out their peculations over years or sometimes decades ('tight spot' narratives notwithstanding), so many victims of the latter had endured long histories of domestic violence and abuse. Emily Davall, for example, had complained frequently to the police about her husband, Samuel, a Stafford baker, who served a month for assaulting her in 1899, and then, six years later, came home drunk and kicked and battered her to death.[122] Ann Edwards, whose husband, David, a Cardiff draper sentenced to twenty years for manslaughter in 1904, broke her neck when he pushed her down the stairs, had often been heard screaming by neighbours.[123]

The convicts at Maidstone convicted of uxoricide, attempted uxoricide and similar offences were mainly older men: of the 53, only four were in their twenties and another fourteen in their thirties; three were men in their sixties. In addition to these men, however, a further thirteen Maidstone convicts had been sentenced for killing or wounding a woman described in the press as a 'sweetheart' (or former 'sweetheart'), nine of whom were in their twenties and only one aged above forty. John Wyatt, for instance, a dry cleaner's clerk aged 29 when sentenced to death at the Old Bailey in 1907, shot dead his sweetheart, a telephone operator, in a fit of jealousy at her home in Stockwell.[124] Dennis McCarthy, a carter, was only nineteen when he began a fifteen-year sentence for manslaughter in 1903, having cut the throat of his childhood sweetheart, an 18-year-old sack-maker, outside a pub in Stepney, suspecting her of infidelity while hop-picking.[125] Only two men at Chatham, thirty years earlier, had been convicted of offences matching this description. The increased prevalence of such cases at Maidstone, along with their marked similarity to one another, marks them as examples of the 'crime of passion' or 'romance homicide', whose emergence, historians have argued, accompanied the widespread dissemination via popular culture of idealised notions of romantic love.[126] Only two of the thirteen offences were drink-fuelled, and three were

[122] TNA HO 140/244; *Kilburn Times*, 15 December 1905, p.8.
[123] TNA HO 140/231; *London Daily News*, 1 April 1904, p.8; ibid., 8 August 1904, p.9.
[124] TNA HO 140/258; *The Scotsman*, 15 January 1907, p.8.
[125] TNA CRIM 9/49; *East London Observer*, 10 October 1903, p.2.
[126] Joachim Eibach, 'Violence and Masculinity', in *The Oxford Handbook of the History of Crime and Criminal Justice*, ed. Paul Knepper & Anja Johansen (Oxford: OUP, 2016), p.242; Peter Spierenburg, *A History of*

alleged suicide pacts. Sidney Bunyan's was both: as a 24-year-old barman, he cut his sweetheart's throat in a field at Enfield and then walked to a police station and handed himself in, telling officers that "if I had had more whisky I should have done myself in as well". Sentenced to hang in 1909, he took his own life at Maidstone three years later.[127] Four more Maidstone convicts had been sentenced for killing or wounding married women with whom they were amorously involved, among them William Bradley, aged 42, a Royal Artillery sergeant-major, who marched into a hotel in the Kentish seaside town of Hythe and shot and wounded the wife of the proprietor, his friend and former comrade.[128] Among other men convicted of killing or wounding women, two, as we have seen, had killed prostitutes, while Charles Mann, a Worcestershire market gardener, was convicted of shooting his mother (who survived) and Benjamin Nicholl, a Wolverhampton labourer, of killing his, both of them while drunk.[129]

The thirty-six Maidstone convicts sentenced for rape were mainly younger men: fourteen were in their twenties and twelve in their thirties. Of the ten men aged over 40, five had raped their own daughters (or possibly, in some instances, another family member), though whether these victims were adults or minors is unclear. Court records usually describe the sexual assault of female children as 'carnal knowledge', but also sometimes as rape: the victim of William Holgate, for instance, a 24-year-old factory worker from Burnley sentenced in 1907 to seven years for rape, was reported in the press as being under four years old.[130] As such offences received, at best, minimal press attention, their details remain obscure. But we know that at least four of the Maidstone convicts sentenced for rape had assaulted children, in addition to a further fourteen men convicted of 'carnally knowing' a female minor, including at least one whose victim was his daughter and another his stepdaughter. Thus, there were twice as many men convicted of offences involving female children at Maidstone than at Chatham, representing as they did around seven per cent of the former population and 4.5 per cent of the latter. As a proportion of men convicted of sexually assaulting a female victim, however, such prisoners represented only 36 per cent of the relevant population at Maidstone against 56 per cent at Chatham, a decline that suggests

*Murder: Personal Violence in Europe from the Middle Ages to the Present* (Cambridge: Polity, 2008), pp.187-92.

[127] TNA HO 140/274; *London Evening Standard*, 31 August 1909, p10; *Manchester Courier and Lancashire General Advertiser*, 31 August 1909, p.10.

[128] TNA HO 140/272; *Illustrated Police News*, 27 March 1909, p.3.

[129] TNA HO 140/277; TNA MEPO 6/29; *Wellington Journal*, 2 January 1909, p.12; *Dundee Evening Telegraph*, 24 July 1906, p.3.

[130] TNA HO 140/257; *Manchester Courier and Lancashire General Advertiser*, 6 February 1907, p.10.

higher prosecution rates in the earlier period for assaults on children than for those on adults. The fourteen Maidstone convicts sentenced for 'carnally knowing' female children were older than those convicted of rape by an average of ten years: at 28, James Ponting, a Newport labourer sentenced to nine years in 1906 for an offence upon a 12-year-old girl, was the youngest, and 65-year-old John Edwards, a pitman who received seven years in 1906 for committing an offence at Merthyr Tydfil, the oldest.[131]

Sentences for sexual assaults as a whole ranged from the three years handed down to William Trash, a 21-year-old labourer, and Ernest Fahey, 22, a private in the Grenadier Guards, who together accosted and raped two women on Coulsdon Common in Surrey, to fifteen years in the case of 58-year-old William Jackson, a touring actor and comedian convicted of assaulting two girls aged eleven and twelve.[132] Eleven men were serving ten-year sentences, three of whom had acted jointly and four whose offences had been upon their own daughters.

Five Maidstone convicts had been sentenced for killing or wounding children in various tragic circumstances, among them James Watkins, aged 45, who had worked in a West Bromwich gasworks, and who strangled his daughters, aged three and five, when their mother left him, and James Benson, 38, who deliberately killed his infant son with laudanum at their home in Bow, where he had lived with his sister, the child's mother, as man and wife.[133] Richard Gelder, a 48-year-old navvy's gang-master, had been sentenced in 1908, along with his wife, to five years for manslaughter at Lancaster Assizes amid cheers in the public gallery, the couple having beaten, neglected and starved to death their twelve-year-old adopted daughter.[134]

Of those men convicted of killing or wounding adult males, of whom there were twenty-nine at Maidstone (11 per cent of the population, down from 21 per cent at Chatham), the offences of five belong among the domestic tragedies and 'crimes of passion' already discussed, committed as they were against known or suspected rivals. Four more resulted from work-related grudges or disputes, including that of Robert Allen, an apprentice stonemason, who, acting in what he claimed was self-defence, had struck his master, a

[131] TNA HO 140/251; TNA HO 140/247.
[132] TNA HO 140/284; TNA HO 140/231; *Croydon Guardian and Surrey County Gazette*, 25 June 1910, p.10; *Lancashire Evening Post*, 14 July 1910, p.5; *Shields Daily News*, 26 November 1904, p.4.
[133] TNA HO 140/268; TNA HO 140/250; *Birmingham Daily Gazette*, 23 September 1908, p.6; *East London Observer*, 27 January 1906, p.2.
[134] TNA HO 140/265; *Manchester Courier and Lancashire General Advertiser*, 2 November 1908, p.3.

Durham town-councillor, with a crowbar during a row about Saturday-working. He was only twenty when convicted of manslaughter in 1904 and sentenced to twenty years' penal servitude.[135] Some offences were the culmination of street fights or pub fights; often they were as pointless as they were tragic. Joseph Stewart, aged 31, a former stevedore, had stabbed his brother to death at their home in Stepney during a family row on Christmas Day; John Cass, 27, a former coalminer from Newcastle, killed a man with a poker during an argument about wrestling.[136] Herbert Brock, a 38-year-old house painter, described as 'a quiet man and a good worker', was 'mad drunk' when he stabbed a stranger to death in the street in Bradford, mistaking him for a conductor who had prevented him earlier from boarding a tram.[137]

Two Maidstone convicts had been sentenced for wounding policemen: Thomas Peters, 38, a flower-seller, who 'savagely' kicked a constable as he lay on the ground, urged on by a large crowd in Edmonton, Middlesex, and 25-year-old Harold Carr, a coalminer who, having received a summons for using bad language, fired shots at three officers in the West Riding town of Mexborough.[138] Another former miner, Frederick Backhouse, 31, from the neighbouring town of Swinton, had been sentenced to death in 1900 for aiding and abetting the murder of a policeman: he and his brother shot the man, who had served him a summons for assault, as he drank off-duty in a pub (Backhouse's brother, whose shot was deemed the fatal one, was hanged).[139] Only one of the sixty-six men at Maidstone convicted of a homicide had committed the offence for gain: Arthur Leatherdale, the prison's longest-serving convict. Sentenced to death for murder in 1891, aged just seventeen, and described in the press as 'rather a fast sort of youth', Leatherdale had killed his step-father at their remote farm in Essex, stealing money which he then spent on a silver watch and chain and 'a fancy check overcoat with a cape'. He was finally released in April 1911, within days of the census being taken.[140]

Lastly, under the heading of offences against the person, we should note the presence at Maidstone of three men convicted of bigamy and three of procuring an abortion. It will be

[135] TNA HO 140/231; *Cheltenham Chronicle*, 16 July 1904, p.8.
[136] TNA HO 140/234; TNA HO 140/251; *Nottingham Evening Post*, 1 January 1904, p.4; *Northampton Mercury*, 15 January 1904, p.5; *Lancashire Evening Post*, 9 July 1906, p.2.
[137] TNA HO 140/285; *Leeds Mercury*, 30 November 1910, p.3.
[138] TNA MEPO 6/23; TNA HO 140/261; *London Evening Standard*, 14 July 1908, p.5; *Illustrated Police News*, 15 August 1908, p.14; *Sheffield Daily Telegraph*, 17 September 1907, p.8.
[139] TNA MEPO 6/27; *Morning Post*, 28 July 1900, p.6.
[140] TNA HO 140/127; TNA MEPO 6/22; *Chelmsford Chronicle*, 13 March 1891, p.7.

recalled that at Chatham a surgeon convicted of the latter offence, along with a physician sentenced for manslaughter following a botched operation, were among the prison's bona fide 'gentleman convicts'. At Maidstone, only one of the three was a qualified medical practitioner: Sidney Lightfoot, aged 49, a Watford doctor who maintained that the operation he performed upon a young patient was 'necessary and proper', and whose case attracted wide public support.[141] The others were Swiss national Frederick Borner, 39, a quack operating from the 'National Healing Institute' in Fitzrovia, who advertised his services in German newspapers, and Frank Palm, a 29-year-old Warwickshire toolmaker, who persuaded a woman pregnant with his child to drink poison, resulting in a fatal postpartum infection.[142]

## (c) 'This fantastic mis-grouping'

Since the arrival in November 1880 of the first star men at Chatham, the star class as a whole appears, then, to have grown somewhat less heterogenous. By 1911, its composition had coalesced around two types of offender, which, although present at Chatham in 1880, had as yet to emerge as the division's defining elements: on the one hand, what might be described as 'white collar' offenders; on the other, men convicted of violent offences against women and girls. The former group, as we have seen, was smaller than the latter, amounting to around 14.5 per cent of Maidstone's 1911 population (that is, of the entire convict star class at the time). It possessed a homogeneity, however, that its equivalent at Chatham (sixteen men, around 8 per cent of the initial star class intake) lacked: consider, for instance, Chatham's brace of solicitors in comparison to Maidstone's ten. (Among non-violent property offenders at Chatham, it will be recalled, former postmen constituted a similarly numerous and, indeed, far more homogeneous group.)

Although the group's existence predates by at least thirty years use of the term 'white collar' - which, it has been argued here, is nonetheless appropriate in this context - its members would have been recognised by both prison staff and fellow prisoners as offenders of a distinct kind. The same would not necessarily have been true of the second of the groups proposed here as a useful category of analysis. This group did, however, contain several distinct elements: for example, uxoricides and attempted uxoricides (around 21 per cent of the total population); jilted former 'sweethearts' convicted of 'crimes of passion' (around 5

[141] TNA MEPO 6/25; *Buckingham Advertiser and Free Press*, 11 March 1911, p.6; ibid., 27 May 1911, p.7; *Birmingham Daily Gazette*, 10 May 1913, p.6.
[142] TNA HO 140/266; TNA HO 140/285; *Dundee Evening Telegraph*, 5 February 1908, p.2; *Leamington Spa Courier*, 11 March 1910, p.2.

per cent); and men convicted of sexual assaults (around 20 per cent) and, among the latter, of offences against female children (at least 7 per cent). Regardless of whether contemporaries regarded such cases holistically, it remains a striking fact that over half of Maidstone's prisoners were serving sentences for either killing, wounding or raping women, or sexually assaulting girls.

Convict administrators do not appear to have been unduly bothered by the possibility of such men 'contaminating' one another or their fellow prisoners. But it should be remembered that neither their heavy concentration in a single establishment, nor their accommodation alongside a concentrated population of 'white collar' offenders, was by design. Or, anyway, not exactly: rather, the mix of offenders that came to characterise the convict star class was the inevitable result of convict administrators having sifted from the wider prison population those men who, though sent to prison for the first time, had been found guilty of offences serious enough to merit penal servitude. As a result, men whose 'white collar' offences were of a scale that precluded a shorter sentence of imprisonment found themselves corralled with others, hitherto law-abiding but now convicted of a serious offence against the person.

As Phelan, whose conviction for a murder committed for gain made him a rare bird at Maidstone, observed, those responsible for the 'fantastic mis-grouping' of star men 'did genuinely believe that they were expert penologists, that the groupings were scientific'.[143] Two decades before Phelan's arrival at Maidstone, however, the rationale for first-offender classification was already losing its edge. As we have seen, the Gladstone Committee had, as early as 1895, dismissed the danger of contamination in the sense of criminal pedagogy as 'exaggerated', arguing that penal servitude's 'deteriorating effect' upon first offenders was not, as the Kimberley Commission had believed, due primarily to 'direct contamination by association'.[144] Fifteen years later, Quinton can be found noting 'the abandonment of ideas formerly held as to the extreme dangers of contamination'.[145] At the same time, the segregation from the adult convict population of 'young offenders' aged between 16 and 21 removed from the star class precisely those convicts whom administrators had feared most vulnerable to contaminating influences. Of course, there remained men in their twenties who might still fall prey to criminal pedagogy (although after 1924, any aged under 24 were

[143] Phelan, *Jail Journey*, p.216.
[144] *Gladstone*, par.26, p.8.
[145] Quinton, *Crime and Criminals*, p.65.

segregated from the rest[146]), but such convicts, as we saw, amounted to less than a quarter of Maidstone's population.

Moreover, as Hobhouse and Brockway observe, low reoffending figures among star men did little to prove that their segregation had reduced overall crime rates: many, they wrote, were 'entirely accidental criminals, imprisoned for an offence they would never be likely to repeat', while others would have been 'pulled up by the shock of the disgrace of conviction, quite apart from prison treatment'.[147] Ruggles-Brise acknowledged this himself, observing in 1912 that as the star class was 'composed of people who may be called "criminals by accident"' it was 'not surprising to find that 92 per cent. do not revert to crime.'[148] The spectre of criminal pedagogy appears at this point to have all but evaporated. In the absence, however, of any other coherent rationale for a system to which, in the post-Gladstone spirit of cautious reform, they remained committed, senior prison administrators continued to deploy the (by now) well-worn tropes of contamination: the interwar Prison Commission's leading figure, Alexander Paterson, as we have seen, warned of its 'grave dangers', insisting on the need to 'isolate corrupting influences, and protect the comparative novice from the domination of the expert criminal.'[149]

Might these 'grave dangers and 'corrupting influences' have been less a matter of criminal pedagogy, then, than of those other aspects of contamination identified in Chapter 1? These, it will be recalled, underpinned by a sense of prisons and their populations as intrinsically unclean, included the exposure, on the one hand, of younger and/or unworldly convicts to a sexualised environment and, specifically, to lewd conversation, and, on the other, the forced association of men once considered 'respectable' with members of the degraded 'criminal class'. Plainly, preventing sexual forms of contamination was viewed as less of an imperative after 1897, when the prohibition on star men convicted of 'unnatural offences' was lifted. Indeed, as discussed shortly, the star class came to be identified with such prisoners (their low proportion within it notwithstanding) and Maidstone with the issue of prison sex. When it came to sparing 'gentlemen' the company 'professional' criminals, however, the star class was a clear success: as our analysis of Maidstone's population demonstrates, if first-offender classification achieved anything, it was this. Against perhaps thirty of the former (defined as qualified professionals, the owners of substantial businesses

[146] TNA HO 45/22661: Visitors Report, 1924.
[147] Hobhouse & Brockway, *English Prisons*, p.227.
[148] *RCPDCP 1911-12*, p.26.
[149] Paterson, *Paterson on Prisons*, p.47.

and/or men whom newspaper reports identify as local bigwigs), Maidstone's population included no more than four of the latter. As Phelan recalled, 'there were very few thieves at Maidstone'.[150]

Yet the star class could hardly be described as select. At Maidstone, in the words of one of Phelan's contemporaries, it was the fate of the 'young Clerk, who … yields to the temptation of "doctoring" his employer's accounts' and the 'solicitor who has … proved a faithless trustee of his client's funds' to be 'herded side-by-side with … the attempted murderer, the foul incent-monger [*sic*] and those other depraved human beasts, convicted of unspeakable crimes of lust.'[151] Under the terms of the star-class system, this was the price of segregation from 'hardened criminals'. Phelan recalls being forced to endure the company of 'some illiterate who wished to discuss his fourth case of incest, or … some gentle soul willing to justify himself, eagerly, for battering his wife to death'. As he observed, grouping such prisoners with 'intelligent' men like himself 'was not done to … me or any of the others as a punishment', but instead in their supposed 'best interests'.[152]

From this perspective, assignment to the star class might seem less a blessing than a curse. At Parkhurst (where a small star class was re-established after the First World War), Phelan describes a star man of his acquaintance 'frantically endeavouring to get himself sent to Dartmoor, to Broadmoor, back to Maidstone, to be good, to be made a recidivist, anything to forgo the privilege of being a "Star"!'[153] Puzzled at first by this man's 'desire for the hardships of the Moor', Phelan (by now demoted to an 'intermediate') learned that his immediate neighbours on Parkhurst's segregated star-class landing were Bert Checketts (whom Phelan calls 'Chicketts'), a young man sentenced to hang at Worcester Assizes in 1925 for the frenzied murder of his step-sister, and George Buckeridge ('Bert Buckeridge'), described by Phelan as a 'weak-wit' and in the press as suffering from 'nervous trouble', whose death sentence at Hereford Assizes in 1923 was for fatally shooting his estranged wife and her stepmother.[154] Thus, Phelan's acquaintance was 'preserved from contamination by being allowed to discuss, live and work' with only these men and others like them, while his star 'saved [him] from the corruption of a talk with me'. Phelan advised the man to gain some respite by wearing two jackets during exercise, and to then remove and carry the one

[150] Phelan, *Jail Journey*, p.22.
[151] TNA HO45/22661: Anon., 'The Scandal of Maidstone Gaol' (unpublished manuscript), p.1.
[152] Phelan, *Jail Journey*, pp.75-6, p.216.
[153] Ibid., p.214.
[154] Ibid., pp.215-6; *Birmingham Daily Gazette*, 11 July 1925, p.5; *Leeds Mercury*, 10 February 1923, p.10.

with the star patch on its sleeve: 'No one minded. The Star was gone. *Pro tem*, he was another degraded old lag'.[155]

## Regime and daily life

Although individual star men might have regarded the division's composition as senselessly heterogeneous and arbitrary, the star class accurately mirrored a category employed by the 'old lags' themselves: 'a Star man', Phelan observed (again in relation to Parkhurst, where stars and 'lags' encountered one another), 'was automatically assumed to be a Mug, generally was one, and was treated accordingly.'[156] According to Phelan, a 'mug' could be defined as 'an ordinary citizen, instead of a tradesman-thief' and, as such, 'tend[ed] to show his feelings, to blurt things out'.[157] This was in contrast to the 'Good Stirman' or 'Wide Man' (a status Phelan had eventually attained, losing his star in the process), who 'was imperturbable, did not moan about [his] sentence, nor whine about the harshness of the officials'. 'Mugs', on the other hand – and 'ex-lawyers were the worst Mugs in this respect' – reported warders for rule-breaking, made frequent complaints to the governor, and forwarded petitions to the Home Office.[158] The corollary of this 'childlike trust in the system', however, was scrupulous observance of a convict prison's 'tangle of rules', which only a 'Born Mug' (or a 'balmy') 'would try to obey … without reservation.'[159] At Maidstone, such tractability was enhanced by a dearth of 'lags', in whose absence star men had little opportunity to acquire 'the million tricks and devices of convict life'. Without these, Phelan observed, 'learning to be a convict is a protracted and painful affair', hence his regret that 'there were so few professional robbers at Maidstone.'[160]

According to Hobhouse and Brockway, discipline was less strict at Maidstone than at Portland and Dartmoor, but this should perhaps be understood as less a matter of deliberate policy than a proportionate response to the exemplary conduct of most star men.[161] The attitude described by Phelan - of disappointment in the failure of prison staff to follow regulations to the letter combined with a determination to do so oneself – can, for instance, be seen in Balfour, who, during ten years spent in convict prisons, was charged only once with breaking prison rules, having removed 'a small piece of scrap paper' from the print shop at

[155] Phelan, *Jail Journey*, p.216.
[156] Ibid., p.215.
[157] Ibid., p.139, p.282.
[158] Ibid., p.164, pp.103-4.
[159] Ibid., p.98, p.332.
[160] Ibid., p.97, pp.22-3.
[161] Hobhouse & Brockway, *English Prisons*, p.318.

Parkhurst. Upon learning that he would not be disciplined for the infraction, he told Colonel Plummer that he '"would much rather you punished me than that I should in any way lose your confidence."'[162] Equally, Hobhouse and Brockway note that 'lifers', of whom there were thirty at Maidstone (with another nineteen men serving equivalent sentences of fifteen or twenty years), were considered by prison staff 'to be among the better types of men in Convict prisons'. Writing in 1907, Basil Thomson, the Prison Commission's secretary, who had served as governor of both Dartmoor and Wormwood Scrubs, sought to correct the popular misconception that 'the murderer and the ravisher' were 'the most dangerous' type of prisoner, 'and the thieves the least'. The former in fact served as 'the good leaven of a convict prison, and were it not for them … it would be a very evil place.'[163] One prison officer told Hobhouse and Brockway that murderers were the '"best prisoners I have known."' Their docility, according to another informant, was due to the trauma of having received a death sentence, followed by weeks spent waiting for a reprieve, an ordeal which 'tend[ed] to reduce them to pitiful wrecks of humanity for the remainder of their days.'[164]

At this point, it will be recalled that in the domestic convict system's early decades, the term 'contamination' might also refer to a spirit of insubordination thought to originate in men transferred to convict prisons from decommissioned prison hulks. Following release, such prisoners were believed to have left behind them a 'seed of mischief', whose fruit had been the 'mutiny' at Chatham in 1861.[165] As well as shielding 'respectable' prisoners from contamination by the 'criminal class', the establishment at Maidstone of a prison dedicated exclusively to star men – a prison, that is, filled entirely with 'mugs' - enabled convict administrators to eradicate such entrenched circuits of bad influence from one section of the English convict population. Practically the only men ever sent to Maidstone were those with no experience whatsoever of prison life, and any who subsequently acquired such experience in other convict prisons were unlikely ever to return there again. The prison was, in this sense, entirely free from contamination. Its population, moreover, was regularly purged: in 1926, for instance, five convicts 'found to be having a bad influence on other men' – Phelan among them, identified by prison authorities, despite his good conduct, as an 'anarchist' and

[162] Balfour, *Prison Life*, pp.226-8.
[163] Thomson, *Dartmoor Prison*, pp.277-8; Noel Rutherford, 'Thomson, Sir Basil Home (1861–1939)', in *Oxford Dictionary of National Biography* (Oxford: OUP, 2004), http://www.oxforddnb.com.ezproxy.lib.bbk.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-36499 (accessed 13 April 2019).
[164] Hobhouse and Brockway, *English Prisons*, p.329
[165] *Grey*, q.4394, p.643 - see Chapter 1.

a troublemaker - were removed from the star class and transferred to one of the other convict prisons.[166]

Thus, while senior prison administrators continued, as we have seen, to present the rationale for first-offender classification in terms of criminal pedagogy, the true value of the star class was as a means to guarantee order in at least one convict establishment. In this it succeeded: Parkhurst experienced a series of serious disturbances in 1926 and 1927,[167] and Dartmoor a major riot in 1932,[168] yet Maidstone remained peaceful throughout the interwar period. This despite its being alone among the three prisons, as one senior administrator noted, in lacking 'space [,] outside work, & work outside the walls on farms etc.'[169] Behind its walls, the passivity of its population allowed the convict regime's mailed fist to operate within a velvet glove. Phelan recalled that he 'never saw a warder strike a man the whole time I was at Maidstone', observing that prisoners 'were not physically bullied into acquiescence, sullen or otherwise' but instead 'in effect, bluffed into being good'. Star men naively imagined Maidstone 'a real prison, when in fact it was a place where first offenders were passed through the machine without any unpleasantness.'[170] Loughborough Ball, a bona fide 'mug', described relations between the prison's convicts and its officers as 'entirely cordial': most of the former had 'been accustomed to enforce order in their normal lives' and therefore 'recognize[d] how vital its enforcement is in a community where about forty men must maintain their ascendancy over three hundred.'[171] In contrast to the 'The Moor', Phelan remarked, where warders patrolled with 'a gun slung ready' and had no time for 'pseudo trust', discipline at Maidstone depended on a 'false *esprit de corps* [and] a pseudo-democratic outlook', which in turn allowed 'the clubs and handcuffs … to be kept in the background.'[172] As if to symbolise this social contract, when the prison first opened, according to Hobhouse and Brockway, 'it was the custom of the governor … to present bunches of primroses and lavender to every prisoner twice a year'.[173]

[166] TNA HO45/22661: Visitors Report, 1926-27; Phelan, *Jail Journey*, p.71.
[167] TNA HO 45/13776: cuttings, *Daily Express*, n.d.; *Daily Herald*, 3 November 1926; *Evening News*, 12 August 1927; *Daily Mail*, 13 August 1927; Phelan, *Jail Journeys*, p.205.
[168] See Brown, 'Challenging Discipline'.
[169] TNA HO45/22661: Visitors Report, 1923; Fox, March 1924.
[170] Phelan, *Jail Journey*, pp.97-8.
[171] Loughborough Ball, *Trial and Error*, p.120, p.140.
[172] Ibid., pp.98-9.
[173] Hobhouse & Brockway, *English Prisons*, p.324.

Phelan disparaged such 'petty pretences', ultimately preferring 'the harsh frank rigours of Dartmoor' to the 'mean, small stuffiness of Maidstone.'[174] In this he was not alone: "Gentleman" George Smithson, who was at Maidstone in 1913, serving the separate stage of a five-year sentence for burglary, recalled it as 'a bad place', where 'the warders played up the governor and took a malicious delight in having you hailed before him'. At the same time, many of Maidstone's convicts were 'snivelling hypocrites, trying all they know to curry favour.' It was, Smithson observed, 'one of the worst prisons in England for what the Yankee crooks picturesquely describe as "snitches".'[175] Phelan agreed: allowed out of his cell twice a week in the evening to play chess (having reached penal servitude's third stage), he found that '[g]rasses were more plentiful than seats'. If a few words were snatched in the lavatories, '[e]ven that was grassed.'[176] In contrast to Dartmoor, where 'grassing' was 'a terribly dangerous profession',[177] informants were central to the maintenance of discipline at Maidstone, helping prison authorities to weed from the star class undesirable elements. Phelan's own transfer from the prison was, he claims, precipitated by the prison's 'chief grass', who 'boasted of his power', and whose amatory advances Phelan had rejected. In this way, he argued, Maidstone's 'whole expensive and intricate jail-system [was] in the last analysis a spite-or-revenge weapon' for use by informants.[178]

Maidstone's 'grasses', according to Phelan, were 'usually drawn from among the homosexual prisoners', and 'chose their admirers, fastidiously, from among many'.[179] Though he considered himself 'still sufficiently peasant to disapprove of homosexuality', he acknowledged that 'prison love affairs … keep men from escaping, fighting with warders, destroying property [or] giving trouble of any kind.'[180] Like informing, such relationships were part of the glue that held Maidstone together: while prison authorities did not actively encourage 'jail friendships', 'a great many concessions' were made to the kind of prisoners who 'give no trouble, always do their work [and] never break the rules'. A 'happily affianced' convict of this description might, at most, be charged with 'improper conduct'; in such cases, Phelan claims, the governing maxim was 'the less said the better.'[181] This chimes with the account of one of his Maidstone contemporaries, who, upon release in 1925, wrote

[174] Phelan, *Jail Journey*, p.99, p.88.
[175] Smithson, *Raffles*, pp.87-8.
[176] Phelan, *Jail Journey*, p.76, p.80.
[177] Ibid., p.129.
[178] Ibid., pp.75-6, p.83.
[179] Ibid., p.74, p.270.
[180] Ibid., p.294, p.291.
[181] Phelan, *Jail Journey*, pp.291-2.

an article labelling the prison a 'Hotbed of Unnatural Vice', which he attempted to get printed in a national newspaper (the unpublished manuscript found its way first to Home Secretary William Joynson-Hicks and thence to Maurice Waller, who in 1921 had succeeded Ruggles-Brise as Chairman of the Prison Commission).[182] Observing that 'ugly rumours' persisted about 'what goes on' inside Maidstone, the article claimed that for over a year the prison had witnessed 'a continuous scandal', to which 'the Administration was deaf and blind', pursuing a policy of 'masterly inactivity'. Confronted with evidence of 'filthy unnatural vice', its governor was alleged to have remarked that 'there was no occasion to make a fuss' as this 'was only a moral and not a social offence'.

Needless to say, the latter dismissed this specific allegation as 'absolutely untrue', while characterising the article as a whole as 'partly lies, partly exaggerations'.[183] Reading his subsequent report in conjunction with the article itself, however, it seems probable that sex regularly took place in a cellar kitchen where prisoners washed dishes unsupervised, and that two men had used the print shop's boiler room for an 'amorous excursion'. Love letters regularly passed between prisoners: one quoted in the article (accurately, according to Waller) invited its recipient, addressed as 'my dearest darling Albert', to move in with its author upon release and share a home with his mother and sister. John Boyce, a 50-year-old man sentenced to three years for attempted sodomy at Glamorgan Assizes in 1923, was transferred to Dartmoor in October that year, having passed an 'indecent letter' to a younger convict.[184] He was followed six months later, for the same offence, by Walter Opie, a 45-year-old Guernsey man sentenced in 1921 to five years for attempted sodomy.[185] In 1924, Frederick Livingstone, who had been sentenced to death in 1917, aged only sixteen, for fatally shooting a 40-year-old-woman during a street robbery at Leigh-on-Sea, Essex, and who arrived at Maidstone from a borstal institution following a charge of attempted sodomy, was transferred to Parkhurst, suspected of a similar offence. Sidney Sheffield, 22, serving four years for blackmail, was sent to Dartmoor the following year, 'suspected of contaminating others with filthy talk'.[186]

[182] TNA HO 45/22661: Anon., 'Scandal of Maidstone Gaol'; Joynson-Hicks to Waller, 8 May 1925.
[183] Ibid.: Governor to Waller, 11 May 1925; Waller to Joynson-Hicks, 18 May 1925.
[184] Ibid.: Governor to Waller, 11 May 1925; TNA MEPO 6/37.
[185] Ibid.
[186] TNA HO 45/22661: Governor to Waller, 11 May 1925; TNA MEPO 6/41; TNA MEPO 6/39; *Pall Mall Gazette*, 19 February 1917.

In this last instance, we encounter again anxiety about lewd conversation, which, almost half-a-century earlier, had been expressed in identical terms to the Kimberley Commission by witnesses including Edward Callow, Michael Davitt and Portland's then governor, George Clifton.[187] As Chapter 1 argued, fear that uncorrupted first offenders might hear convicts discuss and describe sexual acts between men had first prompted the Kimberley Commission to recommend the exclusion from the star class of men 'guilty of unnatural crimes and indecency'. If both the article itself and official responses to it are anything to go by, the intervening decades had done little to dampen such anxiety. For its author, as for the voices we heard in Chapter 1, 'criminals of the shameless type' - men convicted of violent and/or sexual offences as well as 'unspeakable crimes of lust' – constituted the 'filth' of a convict prison, where contamination arose from the 'enforced daily association' with such prisoners of men of better 'habit, education and character'. The latter could not escape the 'malign and degrading influence' of the former because 'you cannot live perpetually with filth without losing in some degree your abhorrence for it'.

Indeed, the article's author viewed sex between male convicts in pedagogic terms, and sexual practice almost as a virus spread from one prisoner to another. He quotes one Maidstone convict (again accurately, according to Waller) explaining in a letter that

> the habit … was not one which I have been addicted to, but rather the contrary newly formed. … I am only human and … under our present unfortunate circumstances, I am quite liable to fall when temptation is put so persistently in my way. I have fought against this disease which is eating me up … yet [I am] unable to counteract it in any way.

This was a view evidently shared by Maidstone's chaplain, who is recalled by the article's author as having 'thundered forth … denunciations of the filth [and] fine manly exhortations to clean living'. In his own report, the chaplain advocated a return to Kimberley's prohibition, declaring that 'no "Sodomie" [*sic*] should be received into a Star Convict Prison, because of the evil influence exercised by such men.' His policy was to alert the governor immediately to 'suspected cases of immorality', and he had 'recommended the removal of certain men' to Dartmoor.[188] According to the governor, this left in the prison six men convicted of sodomy (among a population of 215), all of whom were 'well-conducted'. He

[187] See Chapter 1.
[188] HO 45/22661: Chaplain to Waller, 11 May 1925.

therefore saw no need for further action, and had reassured Waller that 'no suggestions of indecent talk, or writing, has come to his knowledge since the last transfer'.[189] For his part, Waller confirmed that there would be no change to the current policy, which was 'that each case should be considered on its merits, without bias one way or the other.'[190] Nevertheless, as Waller noted, Maidstone's governor, like his chaplain, was 'inclined to think it better not to send to Maidstone men convicted of this offence'. This was not for fear of their 'evil influence', however, but 'for the simple reason that he has not got hard enough work for them.' As Waller explained to Joynson-Hicks, '[t]he best plan in such cases is to give the men outdoor work, as hard as possible'. But there was 'very little' outdoor labour at Maidstone, where the opportunity to work in the open air was limited to 'only one or two gardeners.'[191]

At this juncture, two of the present study's recurring themes – prison labour, on the one hand, and, on the other, the presence in convict prisons of men sentenced under the sodomy laws, and the influence this had on administrative responses to prison sex – conveniently intersect. In order to provide a sense of daily life in Maidstone convict prison, this chapter has made use of primary material dating from the 1920s and 1930s; at the risk of now stretching its period even beyond the interwar decades, we may conclude by contrasting Waller's remarks with those made over twenty-five years later by his eventual successor, Lionel Fox. Writing in 1952, Fox observed that in selecting prisoners for transfer to the new 'open' star-class establishment at Leyhill in Gloucestershire, the 'greatest care' was taken with regard, not only to men convicted of violent and/or sexual offences and 'younger men with any suggestion of mental instability', but also 'homosexuals'.[192] The latter, hitherto thought ill-suited to indoor workshops, could now not be employed as farm labourers, the post-war open prison off-limits to them, as once the star class itself had been.

Vidler, meanwhile, running Maidstone in the early 1950s as an experimental 'training centre', differentiated between 'true' and 'delinquent homosexuals', the former a 'stable, hard-working section of the community, often over-conscientious and highly respectable', the latter 'impossible to deal with and a very bad influence'.[193] Writing in 1964, almost ninety years after the Kimberley Commission, he could almost have passed for one of its witnesses.

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[189] Ibid.: Governor to Waller, 11 May 1925; Waller to Joynson-Hicks, 18 May 1925.
[190] Ibid.: Waller, 25 June 1925.
[191] Ibid.: Waller to Joynson-Hicks, 18 May 1925.
[192] Fox, *Prison and Borstal Systems*, p.145.
[193] Vidler & Wolff, *If Freedom Fail*, pp.132-3.

> If trouble there happened to be [he recalled], it was with the delinquent homosexuals. They seemed to me to be possessed of some sort of evil spirit, not wanting to live any sort of life except their chosen one, and completely indifferent to the feelings of their fellow-men. They called each other 'darling boys' and referred to their friends as 'she' and 'her'.[194]

Viewing the rehabilitation of such men as a 'hopeless proposition', Vidler was 'ruthless' in transferring them from Maidstone to other prisons, 'before they had time to contaminate the atmosphere'.[195] Anxiety and muddle regarding sex and sexual identity in English prisons would, inevitably, persist at least until 1967, when England's sodomy laws were partially repealed and consensual sex between adult men was partially decriminalised. Coincidentally, 1967 would also mark the end of the star class itself, under circumstances now addressed in a brief Postscript, which is followed in turn by the study's Conclusion.

[194] Ibid., p.136.
[195] Ibid., p.134.

## POSTSCRIPT: The star class after 1918

The English penal system of the interwar period was seen at the time, and has been viewed subsequently by scholars, as markedly progressive. The total prison population for England and Wales at one point dropped below 10,000 (compared to over 40,000 by the early 1980s and over 80,000 today), while Victorian notions of deterrent punishment and evangelical reform were replaced by a rehabilitative 'training' ethos, and radical experiments took place in low-security 'open' imprisonment.[1] The latter, in particular, bore the imprint of Alexander Paterson, who joined the Prison Commission in 1922 and became its leading light (though never its chairman), pursuing a progressive agenda with missionary zeal until his retirement in 1946.[2] Paterson, as we saw in Chapter 1, viewed the star class as a cornerstone of enlightened penal policy: were separate confinement to be rejected, he argued, as on humanitarian grounds he believed it must, the segregation of first offenders became the prison administrator's overriding moral duty.[3] Beyond the mere 'negative' aim of preventing contamination, however, the practice allowed Paterson to conduct radical penal experiments among selected groups of prisoners. Thus, the benefits of a new type of regime structured around light industrial work and adult education, pioneered in the 1920s at Maidstone and at Wakefield local prison, were at first reserved solely for star men.[4]

Nothing epitomized Paterson's progressive penal philosophy so much as 'open' establishments, the first of which was not an adult prison, but a borstal institution. Since becoming fully operational in 1908, the borstal system had followed its convict progenitor in segregating first offenders: borstal trainees sentenced for the first time were sent not to Borstal itself (where the system had been developed) or to Portland (which became a borstal in 1923), but to the borstal institution at Feltham in Middlesex, which had opened in 1910.[5] Twenty years later, a party of 43 star-class trainees and nine borstal staff, led on the first day by Paterson himself, marched 130 miles from Feltham to Lowdham Grange in Nottinghamshire, where they were greeted upon arrival by enthusiastic villagers. In scenes reminiscent of those that had accompanied the building of Wormwood Scrubs in the 1870s, trainees slept under canvas and cooked outdoors while work began on a new borstal

[1] Fox, *Prison and Borstal Systems*, pp.70-2; Harding et al, *Imprisonment*, p.196; 'Prison Watch', *Howard League for Penal Reform*, https://howardleague.org/prisons-information/prison-watch/ (accessed 12 April 2019).
[2] Forsythe *Penal Discipline*, pp.173-5, pp.185-6; Fox, *Prison and Borstal Systems*, pp.73-4.
[3] Paterson, *Paterson on Prisons*, pp.47-9.
[4] Fox, *Prison and Borstal Systems*, p.69, p.146.
[5] Bailey, *Delinquency*, p.207; Harding et al, *Imprisonment*, p.247.

institution. When it became fully operational in 1932, it was reserved for star-class trainees.[6] Three years later, a second open borstal, North Sea Camp in Lincolnshire, was established in the same way, followed in 1938 by Hollesley Bay in Suffolk and, a year later, by Usk in Monmouthshire. These establishments, too, were reserved initially for star-class trainees.[7]

Having thus transformed the borstal system, Paterson sought next to revolutionise the treatment of adult star-class prisoners.[8] The country's first adult open prison, New Hall Camp, a satellite of Wakefield, opened in 1936, initially as a star-class establishment. Leyhill in Gloucestershire followed in 1946, along with Aldington, a satellite camp at Maidstone, in 1947, and Sudbury in Derbyshire in 1948, all of them at first dedicated to star men. Leyhill remained so, and was described in 1952 by the Prison Commission's then chairman as 'the most advanced experiment in training prisoners so far attempted in this country'.[9]

By this time, the star class had survived the 1948 Criminal Justice Act, under which penal servitude was abolished and a single sentence of imprisonment introduced.[10] It was then embedded as an element of 'staged' privilege in revised prison rules of 1949, which formally relaxed its first-offender qualification: assignment to the division could now be based on 'general record and character', regardless of previous convictions.[11] As a result, the proportion of star-class prisoners in English prisons was far greater by the early 1950s than it had been during the interwar years.[12] Their segregation in separate establishments, however, remained an imperative under a reformed system that saw prisoners assigned to either 'local', 'regional' or 'central' prisons according to the length of their term. Thus certain local prisons - Brixton, for instance - were set aside for star men serving sentences of less than six months, while those sentenced to between six months and three years went either Maidstone or Wakefield, both of which were now reclassified as regional training establishments.[13] Any star man imprisoned for more than three years served at least the first half of his sentence at Wakefield (different sections of which functioned in regional and central capacities). From there, suitable candidates were transferred to Leyhill, where prisoners cycled to their

[6] Bailey, *Delinquency*, pp.230-2.
[7] Ibid., pp.236-40.
[8] Paterson, *Paterson on Prisons*, p.14; Fox, *Prison and Borstal Systems*, p.69.
[9] Fox, *Prison and Borstal Systems*, p.69, p.101, p.145, p.153, p.156.
[10] 11 & 16 Geo. VI, c.58, s.1.
[11] Ibid., p.143, p.150.
[12] Ibid., p.117.
[13] Ibid., pp.100-1, pp.433-6, p.461.

employment on neighbouring farms and enjoyed a varied recreational programme that included cricket, football and amateur dramatics.[14]

For almost ninety years, then, following its establishment in 1879, the star class endured as an element of English penal practice. It would remain key to the day-to-day management of English prisons until its replacement in 1967 by security categorisation.[15] During the post-war years, as the new 'training' paradigm came to govern English penal administration and as fear of contamination receded, it was seen as less a prophylactic than a rehabilitative tool. At the same time, however, regional training prisons began to admit selected ordinary prisoners, who soon accounted for up to 60 per cent of their population, and the distinction between star class and other prisoners became increasingly irrelevant.[16] By the 1960s, faith in the training ethos itself also started to erode, as new research cast doubt on longer-term imprisonment's rehabilitative efficacy.[17] A mood of pessimism accompanied a steep rise in the prison population and, amid public perception of a crime wave, support for 'soft' rehabilitative regimes evaporated.[18] Meanwhile, prisons themselves grew ever more volatile and violent.[19] The abolition of the Prison Commission in 1961 hastened the replacement of rehabilitative with custodial imperatives, and in 1963 the English prison system was for the first time brought under direct Home Office control, leading in turn to a major reorganization of its structure and management.[20] The progressive idealism of Paterson's era now rejected, it began its slide towards the protracted crisis, characterised by disorder and chronic overcrowding, into which it would descend fully by the mid-1970s.[21]

Long-term shifts in post-war penal policy do not, however, wholly account for the sudden abandonment of the star-class system in 1967.[22] In the annals of criminal justice, the year was notable for several reasons, not least the partial decriminalisation of homosexuality under

[14] Ibid., p.145; pp.156-7.
[15] *Eleventh report from the Estimates Committee*, PP 1966-67 [599] XIV, 1 (hereinafter *Estimates*), p.1; Price, 'Security Categorisation', pp.2-3.
[16] Fox, *Prison and Borstal Systems*, p.69, p.146; *Report on the work of the Prison Department* [hereinafter *RPD*] *Statistical tables*, PP 1966-67 [Cmnd.2957] XLVII, 1, p.1.
[17] Harding et al, *Imprisonment*, p.191.
[18] *Estimates*, p. xii; Harding et al, *Imprisonment*, pp.197-8; pp.247-8; John Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society* (London: Sage, 2002), p.163.
[19] *Report of the commissioners of prisons*, PP 1952-53 [Cmd.8948] XVI, 703, p.146.
[20] Harding et al, *Imprisonment*, p.191, pp.194-5; *RPD*, PP 1969-70 [Cmnd.4186] XVII, 569, (hereinafter *RPD* 1968), p. iii.
[21] Harding et al, *Imprisonment*, p.194; pp.225-6; Pratt, *Punishment and Civilization*, p.153.
[22] *RPD*, PP 1967-68 [Cmnd.3774] XXXI, 57, pp.43-7 refers to star-class prisons in its appendices whereas *RPD 1968* does not.

the Sexual Offences Act and the legalisation of abortion under the Abortion Act.[23] The former had the effect of removing from English prisons star men convicted under the sodomy laws, the latter a type of offender long associated with the star-class wing at Aylesbury women's prison.[24] In addition, the 1967 Criminal Justice Act introduced suspended sentences, resulting in a sharp drop in the open-prison population, which, as we have seen, was composed almost wholly of long-term star-class prisoners.[25] Given these circumstances, it is doubtful whether the star class, even in the absence of the Home Office Inquiry into Prison Escapes and Security, chaired in 1966 by The Earl Mountbatten of Burma, would have survived very far into the 1970s. Nevertheless, it was the Mountbatten Report, published in December 1966, which delivered the fatal blow.

Signalling a return to secure containment as imprisonment's principal aim, albeit tempered, as Christopher Harding observes, by 'a veneer of humane confinement', the Report marked a turning point in English penal policy.[26] The Inquiry had investigated a number of high-profile escapes, including those of 'Great Train Robbers' Charlie Wilson from Winson Green in 1964 and Ronnie Biggs from Wandsworth a year later. It was initiated, however, in direct response to one escape in particular, that of George Blake in 1966 from Wormwood Scrubs, an establishment reserved for first offenders since its designation in the 1920s as the London metropolitan area's star-class local prison.[27] Sentenced in 1961 under the Official Secrets Act to forty-two years for espionage, Blake had been aided in his escape and subsequent flight to Moscow by former Scrubs prisoners and fellow first offenders Michael Randle and Pat Pottle, both of whom had served eighteen-month sentences for organising a CND sit-in at a US airbase in Essex.[28] The breakout was planned by a third ex-prisoner befriended by Blake: Sean Bourke, a former borstal inmate (which did not preclude classification as an adult star man), sentenced in 1961 to seven years for sending a letter-bomb to a police constable he bore a grudge against.[29] The escape was an easy one, requiring

[23] 15 & 16 Eliz. II, c.60; ibid., c.87.
[24] Fox, *Prison and Borstal Systems*, p.101, p.157. By the 1950s, 'a handful' of star-class women remained at the prison, 'for the most part elderly abortionists'.
[25] 15 & 16 Eliz. II, c.80, ss.39-42; *RPD 1968*, p.2, p.4.
[26] Harding et al, *Imprisonment*, p.191, p.225.
[27] *Report of the inquiry into prison escapes and security*, PP 1966-67 [Cmnd.3175] XLVII, 269 (hereinafter *Mountbatten*), par.1, p.1; Fox, *Prison and Borstal Systems*, p.69, p.146.
[28] George Blake, *No Other Choice: An Autobiography* (London: Jonathan Cape, 1990), p.223. Randle and Pottle confirm that as first offenders they were separated from their co-defendants and sent to Wormwood Scrubs. Michael Randle & Pat Pottle, *The Blake Escape: How We Freed George Blake – and Why* (London: Harrap 1989), p.20.
[29] Blake, *No Other Choice*, p. 224; Randle & Pottle, *Blake Escape* pp.38-9; Sean Bourke, *The Springing of George Blake* (London: Cassell, 1970), pp.12-3.

Blake only to break a rusty iron bar securing a window and scale a rope ladder thrown by Bourke over the prison's perimeter wall.[30] Mountbatten rebuked the Prison Commission (still extant at the time of Blake's sentencing) for its rigid adherence to a principle of classification: they had not only deemed it appropriate to place a notorious spy in a woefully insecure prison by dint of his status as a first offender, but had been willing to consider as an alternative only Wakefield, England's other closed prison for long-term star-class prisoners (rejected on the grounds of its comparatively liberal regime).[31] Prison Rules permitted the departure from normal procedure in particular cases, but the Commission had not seen fit to exercise the prerogative.[32] Sending a 'gentleman' to an ordinary prison was, it seems, a prospect at which prison administrators balked, even as late as the 1960s.

Mountbatten's principal recommendation, a single maximum-security prison situated on the Isle of Wight, was never built. But the system of security categorisation first proposed in his report remains of singular importance to the operation of prisons in England and Wales.[33] Upon its swift implementation in 1967, the star class became redundant.

[30] *Mountbatten*, pars.83-5, pp.23-4; Blake, *No Other Choice*, pp.231-3.
[31] *Mountbatten*, par.37, p.9.
[32] Ibid.
[33] Price, 'Security Categorisation', p.3.

# CONCLUSION

George Blake's escape from Wormwood Scrubs and its lasting consequences for English prisoners might perhaps be thought a fitting end to the present study, which has from its outset stressed the highly contingent character of penal change. In this, the study has pursued an approach identified in its Introduction as 'pragmatist', insofar as it has viewed its topic less in terms of an overarching disciplinary strategy than as a novel expedient with largely unanticipated consequences. No plan existed for a convict establishment specialising in 'white-collar' criminals, sex offenders and uxoricides, nor one in which men sentenced for violent offences against women predominated. Yet, as we have seen, just such an establishment became operational at Maidstone in 1909, the eventual result of a recommendation made three decades earlier by a royal commission. Given its emphasis and trajectory, then, we should not expect to draw a neat conclusion from the foregoing account. Neither should we demand that it teach us 'lessons' about the present-day operation of English prisons. Systems of classification are central to modern penal practice in general, and the star class can, inevitably, be seen as having anticipated its eventual successor, security categorisation. Beyond that, however, it cannot be claimed that the present topic serves as a useful precedent for twenty-first-century prison administration, or that the study offers remedies for the English prison system's current woeful condition. Writing almost thirty years ago, David Garland described contemporary penal practice as 'a peculiarly unsettling and dismaying aspect of social life', and penal policy as 'a continual disappointment, seeming always to fail in its ambitions and to be undercut by crises and contradictions of one sort or another.'[1] Subsequent decades have done nothing to modify such an impression. Historians of the Victorian prison – unlike those who work on other aspects of nineteenth-century social policy and infrastructure - are aware that they study an institution whose many problems do not lie buried safely in the past, but which remain in the present, very much alive and seemingly intractable.

Having said that, if there is a sense in which the analysis here does rise from ground-level contingency to a broader explanation of penal change, it is in the identification of internal contamination – or rather its prevention - as a subsidiary aim of Victorian penal policy, alongside its primary objectives of deterrence and reformation. For prison administrators, as we saw in Chapter 1, a growing domestic prison population brought with it an increased risk

[1] Garland, *Modern Society*, p.1.

of contamination among prisoners, which in turn demanded ever more effective means of internal segregation. This dialectic, the chapter suggests, goes some way to explaining the rapid proliferation of 'separate' local prisons during the early Victorian decades. From the 1850s onwards, it then drove the development of the domestic convict system that replaced transportation. During the 1860s and 1870s, the accommodation on English soil of large numbers of convicts led not only to ticket-of-leave scares – to fear, that is, of external contamination by convicts of the wider population - but to heightened fear of internal contamination, which in turn prompted preventive measures such as 'separate' infirmaries, 'second probation' and silent exercise. This process culminated in 1879 in the establishment of the convict star class. The danger that the concentration of potential sources of contamination might, in the words of a recent Foucauldian study of 'exclusionary practices', 'unintentionally increase undesirable behaviours and breed new and unforeseen dangers' is one to which twenty-first-century prison administrators remain very much alive.[2] Witness, for instance, recent debates about the wisdom, or otherwise, of establishing 'jihadi units' within the English prison system: aimed at preventing the spread of radical Islamism among prisoners, it is also argued that these could function inadvertently as 'schools' for terrorism.[3]

Beyond pointing to the role of contamination in driving general penal change, Chapter 1's principal novelty lies in its argument for the concept's extension beyond recidivism and the idea of the prison as a 'school of crime'. Criminal pedagogy was without doubt the primary sense in which contamination was discussed by prison administrators, officials and reformers. As Chapter 1 demonstrates, however, the term was underpinned by notions of purity and pollution deeply inscribed in the administrative psyche. These were shared in common with sanitary reform, to which the early development of the modern prison was closely linked. Moreover, in the context of a convict prison, 'contamination' carried other quite distinct resonances, not least a fear that the insurrectionary spirit of the 1850s and 1860s might once again infect convict populations. In this sense, convict prisons were seen as inherently contaminated, their residual culture of misconduct and insubordination due in part to the presence within them at one time or another of England's very 'worst' criminals. Equally, the presence of men convicted under England's sodomy laws added to a sense of convict prisons as unwholesome, sexualised environments, a sense to which the potential – at least -

[2] Strange & Bashford, 'Isolation and exclusion', p.12.
[3] Alan Travis, 'UK government considers single secure jail unit for Islamist terrorists', *The Guardian*, 13 February 2016, https://www.theguardian.com/society/2016/feb/12/government-considers-single-supermax-jail-islamist-terrorists (accessed: 19 April 2019).

for sexual activity among prisoners also contributed. Along with this, in defiance of prevailing late-Victorian social norms, convict prisons were places where masturbation was acknowledged as a routine practice, and sex – including sex between men – discussed casually. Conversation of the latter variety was, as we have also seen, regarded as the 'filthiest' component of the 'filthy talk' that was understood to pollute a convict prison's very atmosphere.

Thus, within the crucible of the convict prison, there simmered elements of the Victorian repressed. Hardly surprising, then, that the addition of 'accidental criminals' to its ingredients was greeted in some quarters with alarm. For young clerks and letter-carriers, for whom a life of professional thievery might prove particularly alluring, sexual corruption and criminal pedagogy were conceived as twin perils. But older, less impressionable men - not least 'gentleman convicts' - tended to regard themselves, and to be regarded by prison authorities, as largely immune to the latter. Hence an inchoate notion of sexual pollution – if only verbal and/or by association – might in fact have been among the primary ways in which prison officials and reformers perceived contamination, although in this sense, inevitably, its articulation was largely proscribed. Recent scholarship suggests that in the United States the prevention of prison sex was an 'obsessive preoccupation' among nineteenth-century prison administrators and reformers, and that a 'sex panic' in the mid-1820s was instrumental in the establishment of Philadelphia's pioneering Eastern State Penitentiary.[4] In France, similarly, according to Patricia O'Brien, 'homosexual promiscuity' and recidivism were the 'two great social fears' that in 1872 led the National Assembly to establish a special commission of inquiry into the nation's prisons.[5] Up to now, however, no equivalent claim has been made with regard to the administration of English prisons.[6]

Beyond reconceptualising contamination, the study prompts us to look again at certain other aspects of the late-Victorian and Edwardian convict system. In Chapter 2, the background checks carried out on prospective star men, dismissed by Leon Radzinowicz and Roger Hood as little more than the obstruction by Du Cane of the Kimberley Commission's recommended reform, are revealed as an extensive, often rigorous process carried out over

[4] Regina Kunzel, *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality* (Chicago: University of Chicago Press, 2008), p.16; Jen Manion, *Liberty's Prisoners: Carceral Culture in Early America* (Philadelphia: University of Pennsylvania Press, 2015), pp.169-78.
[5] Patricia O'Brien, The Prison on the Continent: Europe, 1865-1965', in *Oxford History of the Prison*, ed. Morris & Rothman, p.181; see also idem. *The Promise of Punishment: Prisons in Nineteenth-Century France* (Princeton: Princeton University Press, 1982), pp.25-6.
[6] See also Bethell, 'Defining "unnatural crime"'.

decades with respect – if the figure of 3,600 within the first eighteen months is anything to go by – to tens of thousands of convicts. That a process of this kind should have taken place in the early 1880s is noteworthy in itself. This was over a decade - at the very earliest, and almost half a century by more measured estimates - before the advent of anything even approaching 'individualisation' in the English penal system. According to both Garland and Bill Forsythe, such extra-judicial investigation, while characteristic of twentieth-century reformatory penal practice, should have been alien to the 'Du Cane era', which during the 1880s reached its uniform, deterrent zenith. Yet there it is. Moreover, this process can be seen to have exceeded what Stephen Hobhouse and A. Fenner Brockway defined as classification's mere 'negative' objective – the protection, that is, of the less corrupt from contaminating influence, as opposed to the positive aim of enabling reformatory practice. As Chapter 2 shows, convict officials sometimes went to great lengths to secure character references when these were not initially forthcoming, as well as giving borderline cases the benefit of the doubt. Had the star class functioned simply as an administrative expedient, dividing the 'hardened' from the less so, such strategies would have had little to recommend them. Why take the time and effort to secure a convict's classification, or risk classifying a 'doubtful' case, if not in the belief that failure to do so might jeopardise his chances of reform?

This, it should be stressed, is not to claim that star men were the beneficiaries of 'individualised' treatment of the kind advocated by Hobhouse and Brockway and other early twentieth-century reformers. Nevertheless, the very act of segregating a selected group of prisoners from the ordinary convict population bore a reformatory objective. Yes, star men were subject, as the Kimberley Commission had insisted, to a regime identical to that which governed other convicts. But it was believed that, freed from contamination, this regime could perform a fully reformatory function. In this way, the convict star class can be understood as having anticipated the reformatory practice found in English prisons after 1895 (which, it should be reiterated, was itself embedded in what remained a primarily deterrent system, and should not be mistaken for full 'individualisation'). Indeed, as we saw in the Postscript, it served as something of a blueprint for the borstal system, which is recognised by scholars as among the most progressive - and successful - of Ruggles-Brise's penal innovations. Moreover, from the convict system in which it had originated, the borstal system inherited a star class of its own, for whose members the advantages of Paterson's interwar progressivism were exclusively reserved. Star-class borstal establishments then

served in turn as the model for the 'open' adult prisons of the late 1930s and the 1940s, which were themselves initially reserved for star men. Thus, we can draw a line connecting the 'experiment' initiated in convict prisons in 1879 to the most radical aspects of mid-twentieth-century prison reform – and, indeed, on further to the 'D Cat.' open prisons of today.

The fact that admission to the convict star class was based not simply on a first-offender qualification, but subject instead both to background checks and additional caveats underlines still further its reformatory character. The Kimberley Commission's original intentions notwithstanding, it was to an extent a select – and, it should be remembered, a relatively tiny - convict cohort. Membership of this cohort was based less on an empirical standard – namely, having a received a prison sentence for the first time – than on a range of criteria that were often quite subjective. Nowhere is this more apparent than in the selection before 1897 of men sentenced for sexual assaults on the basis of the perceived 'brutality' of their offence. Equally, nothing so much illustrates the contingent character of penal practice as the application of criteria based originally, as in this case, on the wording of a margin note scrawled hastily by the Home Office Permanent Secretary in response to a confused query from the Chairman of the Convict Directors. The resulting adjudication, doubtless one of many such fleeting decisions that filled Adolphus Liddell's working day, would determine the individual destinies of hundreds, if not thousands, of convicts: the prisons to which they were sent, the company they kept there, and the work parties to which they were assigned, from which would flow myriad consequences.

As much as an administrative division for first offenders, the star class can, then, be understood as a cohort of convicts, selected via background checks and judged, according to several criteria, either capable of reform or not truly 'criminal' in the first place. As such, one of its defining characteristics, from its inception, was a disproportionate prevalence within it of 'gentleman convicts'. Such prisoners, as we saw in Chapter 1, had shaped the Kimberley Commission's eventual response to the issue of contamination: former convicts amplified its danger in memoirs, articles and evidence to the Commission itself, while at the same time, the presence of 'gentlemen' in convict prisons ultimately inhibited the Commission from recommending proposals to classify convicts by their offence (and hence, effectively, their class) and/or to introduce different kinds of prisons for different offences. The star class then went on to function to an extent as a refuge for 'gentleman convicts' in lieu of their complete segregation. Though developed here considerably, this is not in itself a novel argument: Leon Radzinowicz and Roger Hood suggest that the dangers of

contamination were exaggerated by convict prison 'toffs' 'in order to get separate better treatment for themselves', while Alyson Brown notes that many star men 'belonged to higher social classes'.[7] Ruggles-Brise himself, as we saw in Chapter 1, acknowledged archly that while the star class was not reserved for 'prisoners of a superior social class', it nevertheless allowed a convict's 'segregation from those morally his inferiors', which, he implied, amounted to much the same thing.[8] As Chapter 4 demonstrates, however, the star class was in this respect only a second-best measure, shielding 'gentlemen' from contamination by common thieves, but only at the expense of their incarceration alongside convicted murderers and rapists.

The big question, of course, is whether star men, 'gentlemen' among them, were treated differently – or indeed better - than ordinary convicts. On the assumption that such favouritism, if it existed, would necessarily take the form of assignment to softer and/or more interesting forms of prison labour, Chapter 3, while providing an account of measures to segregate star men in convict prisons between 1880 and 1909, takes work as its principal focus. It concludes that star men were to a large extent spared the worst rigours of convict prison labour. This was due in the first place to the necessity for segregated work parties, with those gangs engaged in at least semi-skilled occupations, as opposed to brute physical labour, then reserved for a type of prisoner thought to benefit from, and felt more deserving of, the opportunity of learning the party's trade. 'Light labour' parties, similarly, were also disproportionately allocated to star men, due to large numbers among them of older and/or less robust prisoners, including many simply altogether unused to heavy manual work. Thus printing, by far the convict system's most interesting and varied trade, though originally reserved (unofficially) for skilled tradesmen, emerged by the early 1890s as an occupation not merely for star men, but in particular for 'gentlemen'. The transfer to Maidstone in 1909 of the convict print shop and its subsequent expansion consolidated this status: it became, as we have seen, 'the shop to which most of the professional men [were] sent.'[9]

The close attention paid in Chapter 3 to the evolution of prison labour throughout the final decades of the nineteenth century, allows us, moreover, to track with greater precision than in previous studies a shift from severe public-works labour to light-industrial 'training' as the primary form of convict-prison work. The origins of the latter can be found in the invalid and

[7] Radzinowicz and Hood, *Penal Policy*, p.546; Brown, *English Society*, p.125.
[8] *RCPDCP 1913-14*, p.32.
[9] Loughborough Ball, *Trial and Error*, pp.108-9.

'light labour' work parties and establishments that proliferated from the outset of the domestic convict system alongside their public-works counterparts. The star class then played a part in the dissemination of such labour regimes to the wider convict system, although this was precipitated mainly by a sharp drop in convict numbers from the mid-1880s, which coincided with the completion of major public-works projects begun thirty years earlier. Chapters 3 and 4 suggest, however, that the indoor workshop's principal advantage over the outdoor quarry or construction site lay in the ease with which men labouring in the former could be monitored and controlled. But, once again, this disciplinary innovation was less a strategic outcome than a reaction to an unanticipated set of circumstances.

Lastly, the study draws our attention to two establishments hitherto ignored in historical accounts of the domestic convict system: the convict prisons at Dover and Maidstone. The status of the former as a star-class prison followed the transfer there from 1885 of star men from Chatham to complete its construction. These convicts were intended as the advance guard of some one thousand ordinary convicts who, upon the prison's completion, would then begin work on Dover's new harbour. As the latter population in the event failed to materialise, the prison remained a star-class establishment until closing finally in 1895. The image of ninety-odd star men in the early 1890s, perched atop the cliffs at Dover in a half-built prison designed to hold ten times their number, serves to illustrate vividly penal history's haphazard character. The convict prison at Maidstone, on the other hand, if acknowledged by historians at all, is assumed (understandably) to have been merely a section or wing of the town's local gaol, whose perimeter wall it shared. It is, however, clear that the establishment was conceived, planned, constructed and administered as a separate convict prison (which then gradually encroached on its local neighbour, before the latter's closure and partial demolition in 1931[10]). *Pace* Radzinowicz and Hood, who assert that 'nothing came of' proposals made in the Kimberley Commission's immediate wake to build a dedicated star-class convict prison, the study shows that Maidstone in fact represented this plan's fulfilment, albeit achieved some thirty years after the fact.[11] Equally clear is Maidstone's status as a flagship, 'state-of-the art' establishment during the interwar years, when it functioned as a key component of the period's progressive penal machinery, followed by its operation after 1944 under John Vidler as an experimental 'training centre'. Once

[10] TNA HO 45/22661: Maxwell, 21 November 1930; 2 March 1932; Fox, 19 January 1931.
[11] Radzinowicz and Hood, *Penal Policy*, p.549.

again, we can discern a line connecting the late-Victorian convict star class to mid-twentieth-century reformatory practice.

More broadly, this study has sought to depict life at the convict system's various establishments. Historians have tended to stress what Sidney and Beatrice Webb described as Du Cane's 'fetish of uniformity', to which Ruggles-Brise was equally prone (the latter famously boasting that at '4-30 in the afternoon … at every Local and Convict prison in England, the same things in general are being done, and … in general they are being done in the same way').[12] Such an emphasis, however, has served to obscure the fact that prisons, as Jim Phelan wryly observed, 'differ as do teashops.'[13] For the convicts sent to them, each of the establishments examined in these pages - Chatham, Chattenden, Dover, Portland, Parkhurst and Maidstone - possessed a distinct quality and character, which the study has attempted to recapture. Similarly, the experience of being a star man, though in many respects identical to that of every other convict, was in others *sui generis*. Though a reconstruction of this experience can only ever be tentative and partial, it too has been attempted so far as is possible. Finally, it is perhaps worth noting once again that the convict star class as a whole has, at best, hitherto been relegated to a mere footnote of modern English penal history. It is hoped that this study will now go some way towards its rescue.

[12] Sidney & Beatrice Webb, *English Local Government vol.6: English Prisons under Local Government* (London: Longmans Green & Co., 1922), p.204; Ruggles-Brise quoted in Hobhouse & Brockway, *English Prisons*, p.97.
[13] Phelan, *Jail Journey*, p.5.

# BIBLIOGRAPHY

## Archives

Papers of Sir Edmund Frederick Du Cane, Bodleian Library.

The Viscount Gladstone Papers, The British Library.

The National Archives.

## Digitised material accessed via:

*British Library Newspapers*, http://find.galegroup.com.ezproxy.lib.bbk.ac.uk.

*Findmypast*, https://www.findmypast.co.uk/.

*Hansard, 1803-2005*, https://api.parliament.uk/historic-hansard.

*The Times Digital Archive*, http://gdc.galegroup.com.ezproxy.lib.bbk.ac.uk.

*Trove*, https://trove.nla.gov.au/newspaper/.

*U.K. Parliamentary Papers*, https://parlipapers-proquest-com.ezproxy.lib.bbk.ac.uk.

*The Wellesley Index to Victorian Periodicals, 1824-1900*, http://wellesley.chadwyck.co.uk.ezproxy.lib.bbk.ac.uk.

## Statutes

Buggery Act, 1533: 25 Hen. VIII, c.6

Post Office Offences Act, 1767: 7 Geo. III, c.50

Judgement of Death Act, 1823: 4 Geo. IV, c.48

Prison Act, 1835: 5 & 6 Will. IV, c.38

Treason Felony Act, 1848: 11 & 12 Vict., c.12

Penal Servitude Act, 1853: 16 & 17 Vict., c.99

Penal Servitude Act, 1857: 20 & 21 Vict., c.3

Offences Against the Person Act, 1861: 24 & 25 Vict., c.100

Penal Servitude Act, 1864: 27 & 28 Vict., c.47

Prison Act, 1865: 28 & 29 Vict., c.126

Prevention of Crimes Act, 1871: 34 & 35 Vict., c.112

Offences Against the Person Act, 1875: 38 & 39 Vict., c.94

Prison Act, 1877: 40 & 41, Vict., c.21

Prison Act, 1898: 61 & 62 Vict., c.41

Inebriates Act, 1898: 61 & 62 Vict., c.60

Probation of Offenders Act, 1907: 7 Edw. VII, c.17

Punishment of Incest Act, 1908: 8 Edw. VII, c.45

Post Office Act, 1908: 8 Edw. VII, c.48

Prevention of Crime Act, 1908: 8 Edw. VII, c.59

Children Act, 1908: 8 Edw. VII, c.67

Criminal Justice Act, 1948: 11 & 16 Geo. VI, c.58

Sexual Offences Act, 1967: 15 & 16 Eliz. II, c.60

Criminal Justice Act, 1967: 15 & 16 Eliz. II, c.80

Abortion Act, 1967: 15 & 16 Eliz. II, c.87

## Parliamentary papers: reports of royal commissions, select committees and departmental committees

*Second report from the Select Committee of the House of Lords appointed to inquire into the execution of the criminal law, especially respecting juvenile offenders and transportation*, PP 1847 [534] VII, 5.

*Report and minutes of evidence taken upon an inquiry into the general treatment and condition of the convicts in the hulks at Woolwich*, PP 1847 [831] XVIII, 1.

*Report from the Select Committee on Prison Discipline*, PP 1850 [632] XVII, 1.

*Report from the Select Committee of the House of Lords, appointed to inquire into the provisions and operation of the … act to substitute, in certain cases, other punishment in lieu of transportation*, PP 1856 [404] XVII, 561.

*Report from the Select Committee on Transportation*, PP 1861 [286] XIII, 505.

*Report from the Select Committee of the House of Lords, on the Present State of Discipline in Gaols and Houses of Correction*, PP 1863 [499] IX, 1.

*Report of the commissioners appointed to inquire into the operation of the acts … relating to transportation and penal servitude*, PP 1863 [3190] XXI, 1.

*Report of the commissioners appointed to inquire into the working of the penal servitude acts*, PP 1878-79 [C.2368] XXXVII, 1.

*Report of a committee appointed to consider certain questions relating to the employment of convicts in the United Kingdom*, PP 1882 [C.3427] XXXIV, 649.

*Report of the visitors of Her Majesty's convict prison at Chatham as to the treatment of certain prisoners convicted of treason felony*, PP 1890 [C.6016] XXXVII, 629.

*Report from the departmental committee on prisons*, PP 1895 [C.7702] LVI, 1.

*Eleventh report from the Estimates Committee*, PP 1966-67 [599] XIV, 1.

*Report of the inquiry into prison escapes and security*, PP 1966-67 [Cmnd.3175] XLVII, 269.

## Parliamentary papers: annual reports

*Third report of the inspectors appointed … to visit the different prisons of Great Britain*, PP 1837-38 [141] XXX, 1.

*Reports of the directors of convict prisons*, PP 1856 [2126] XXV, 1.

*Reports of the directors of convict prisons*, PP 1857 Session 2 [2263], XXIII, 65.

*Reports of the directors of convict prisons*, PP 1857-58 [2423] XXIX, 483.

*Reports of the directors of convict prisons*, PP 1859 Session 2 [2556] XIII Pt.1, 191.

*Annual reports and despatches on the convict establishments at Bermuda and Gibraltar*, PP 1860 [2662] XLV, 279.

*Reports of the directors of convict prisons*, PP 1860 [2713] XXXV, 429.

*Annual reports and despatches on the convict establishments at Bermuda and Gibraltar*, PP 1861 [2785] XL, 425.

*Reports of the directors of convict prisons*, PP 1861 [2879] XXX, 237.

*Annual reports on the convict establishments at Bermuda and Gibraltar*, PP 1862 [2954] XXXVI, 421.

*Reports of the directors of convict prisons*, PP 1862 [3011] XXV, 331.

*Annual reports on the convict establishments at Bermuda and Gibraltar*, PP 1863 [3134] XXXIX, 373.

*Reports of the directors of convict prisons*, PP 1863 [3208] XXIV, 1.

*Annual report on the convict establishment at Gibraltar*, PP 1864 [3305] XL, 475.

*Report of the directors of convict prisons*, PP 1864 [3388] XXVI, 209.

*Report of the directors of convict prisons*, PP 1865 [3573] XXV, 1.

*Annual report on the convict establishment at Gibraltar*, PP 1866 [3642] XLIX, 599.

*Report of the directors of convict prisons*, PP 1866 [3732] XXXVIII, 1.

*Report of the directors of convict prisons*, PP 1867 [3928] XXXVI, 1.

*Annual report on the convict establishment at Gibraltar*, PP 1867-68 [4015] XXXIV, 871.

*Report of the directors of convict prisons*, PP 1867-68 [4083] XXXIV, 519.

*Annual report on the convict establishment at Gibraltar*, PP 1868-69 [4129] XXX, 465.

*Report of the directors of convict prisons*, PP 1868-69 [4212] XXX, 1.

*Report of the directors of convict prisons*, PP 1870 [C.204] XXXVIII, 1.

*Report of the directors of convict prisons*, PP 1871 [C.449] XXXI, 1.

*Report of the directors of convict prisons*, PP 1872 [C.649] XXXI, 385.

*Report of the directors of convict prisons*, PP 1873 [C.850] XXXIV, 1.

*Report of the directors of convict prisons*, PP 1874 [C.1089] XXX, 55.

*Report of the directors of convict prisons*, PP 1875 [C.1346] XXXIX, 1.

*Report of the directors of convict prisons*, PP 1876 [C.1596] XXXVII, 1.

*Report of the directors of convict prisons*, PP 1877 [C.1845] XLV, 1.

*Report of the directors of convict prisons*, PP 1878 [C.2175] XLIII, 1.

*Report of the directors of convict prisons*, PP 1878-79 [C.2446] XXXV, 1.

*Report of the directors of convict prisons*, PP 1880 [C.2694] XXXVI, 1.

*Report of the directors of convict prisons*, PP 1881 [C.3073] LII.1, 51.

*Report of the directors of convict prisons*, PP 1882 [C.3374] XXXIV, 1.

*Report of the directors of convict prisons*, PP 1883 [C.3828] XXXIII, 1.

*Report of the directors of convict prisons*, PP 1884 [C.4178] XLIII, 1.

*Report of the directors of convict prisons*, PP 1885 [C.4568] XXXIX, 1.

*Report of the directors of convict prisons*, PP 1886 [C.4833] XXXV, 457.

*Report of the directors of convict prisons*, PP 1887 [C.5205] XLI, 725.

*Report of the directors of convict prisons*, PP 1888 [C.5551] LVIII, 615.

*Eleventh annual report of the Prison Commissioners for Scotland*, PP 1889 [C.5794] XLI, 289.

*Report of the directors of convict prisons*, PP 1889 [C.5880] XLI, 657.

*Report of the directors of convict prisons*, PP 1890 [C.6190] XXXVII, 515.

*Report of the directors of convict prisons*, PP 1890-91 [C.6471] XLIII, 449.

*Report of the directors of convict prisons*, PP 1892 [C.6737] XLII, 467.

*Report of the directors of convict prisons*, PP 1893-94 [C.7184] XLVII, 427.

*Report of the directors of convict prisons*, PP 1894 [C.7508] XLIV, 491.

*Report of the directors of convict prisons*, PP 1895 [C.7872] LVI, 1177.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1896 [C.8200] XLIV, 235.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1897 [C.8590] XL, 105.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1898 [C.8998] XLVII, 23.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1899 [C.9452] XLIII, 65.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1900 [Cd.380] XLI, 1.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1902 [Cd.804] XLV, 1.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1902 [Cd.1278] XLVI, 1.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1904 [Cd.1800] XXXV, 1.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1905 [Cd.2273] XXXVII, 1.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1906 [Cd.2723] I, 1.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1906 [Cd.3169] L, 587.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1908 [Cd.3738] LII, 1.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1908 [Cd.4300] LII, 47.

*Report of the commissioners of prisons and directors of convict prisons (Part I.)*, PP 1909 [Cd.4847] XLV, 133.

*Report of the commissioners of prisons and directors of convict prisons (Part II.)*, PP 1909 [Cd.4848] XLV, 277.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1910 [Cd.5360] XLV, 277.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1911 [Cd.5891] XXXIX, 243.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1912-13 [Cd.6406] XLIII, 345.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1914 [Cd.7092], XLV, 1.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1914 [cd.7601] XLV, 361.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1918 [Cd.9174] XII, 587.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1923 [Cmd.2000] XII Pt.2, 379.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1924-25 [Cmd.2307] XV, 335.

*Report of the commissioners of prisons and directors of convict prisons*, PP 1931-32 [Cmd. 4151] XII, 779.

*Report of the commissioners of prisons*, PP 1952-53 [Cmd.8948] XVI, 703.

*Report on the work of the Prison Department Statistical tables*, PP 1966-67 [Cmnd.2957] XLVII, 1.

*Report on the work of the Prison Department*, PP 1967-68 [Cmnd.3774] XXXI, 57.

*Report on the work of the Prison Department*, PP 1969-70 [Cmnd.4186] XVII, 569.

## Parliamentary papers: miscellaneous

*Further correspondence on the subject of convict discipline and transportation*, PP 1859 Session 2 [2568] XXII, 1.

*Further correspondence on the subject of convict discipline and transportation*, PP 1860 [2701] XLV, 131.

*Papers relating to the Employment of convicts at Dover Harbour*, PP 1883 [c.3726] LXII, 413.

*Observations of the prison commissioners on the recommendation of the departmental committee on prisons*, PP 1896 [c.7995] XLIV, 185.

## Books and articles published before 1945

Anon., ‘Our Present Convict System’, *Westminster Review* 109 (1878), pp.407-30.

Anon., *Convict Life; or, Revelations Concerning Convicts and Convict Prisons by a Ticket-of-Leave Man* (London: Wyman & Sons, 1879).

Anon., ‘Our Convict System by an Ex-Prisoner’, *The Weekly Times* (November 1879 - February 1880).

Anon., *Her Majesty's Prisons: their Effects and Defects. By One Who Has Tried Them* (London: Sampson Low, Marston, Searle, & Rivington, 1881).

Anon., *The Mark of the Broad Arrow; or The Life of A Convict by No.77* (London: R.A. Everett, 1903).

Anon., 'Work at Parkhurst: A Farcical Situation', *The Law Times*, May 20 1905, p.65.

Anon., *Twenty-Five Years in Seventeen Prisons: The Life Story of an Ex-Convict, With his Impressions of our Prison System By 'No.7'* (London: Hutchinson & Co., 1906).

Anon., 'Concerning Imprisonment. By One Who Has Suffered It.', *Hibbert Journal* 8:3 (1910), pp.582-602.

Anon., *"His Majesty's Guests": Secrets of the Cells by "Warden"* (London: Jerrold, 1929).

Aubrey, W.H.S., 'Our Convict System', *London Quarterly Review* 53 (1880), pp.421-39.

Balfour, J.S., *My Prison Life* (London: Chapman & Hall, 1907).

Bidwell, A., *From Wall Street to Newgate* (London: True Crime Library, 1996 [1895]).

Bidwell, G., *Forging his Chains: The Autobiography of George Bidwell* (London: H.C. Mott, 1888).

Blake, W., *Quod: Reminiscences of a Prison Governor* (London: Hodder & Stoughton, 1927).

Anon. (Callow, E.), *Five Years' Penal Servitude by One Who Has Endured It* (London: Richard Bentley & Son, 1877).

Campbell, J., *Thirty Years' Experience of a Medical Officer in the English Convict System* (London: T. Nelson & Sons, 1884).

Carpenter, M., *Our Convicts* (London: Longman & Co., 1864).

Clarke, T.J., *Glimpses of an Irish Felon's Prison Life* (Dublin: Maunsel & Roberts, 1922).

Cook, A., *Our Prison System* (London: H.J. Drane, 1911).

Crofton, W., *Convict Systems and Transportation* (London: William Ridgeway, 1863).

- 'On the Report of the Penal Servitude Commission', *Transactions of the N.A.P.S.S. 1879* (1880), pp.251-9.

Davitt, M., 'The Punishment of Penal Servitude', *The Contemporary Review* 44 (1883), pp.169-82.

- *Leaves from a Prison Diary; or, Lectures to a "Solitary" Audience* 2 vols. (London: Chapman & Hall, 1885).

- ‘Criminal and Prison Reform’, *The Nineteenth Century* 36 (1894), pp.875-99.

Dearden, H., *The Fire Raisers: The Story of Leopold Harris and his Gang* (London: William Heinemann, 1934).

Du Cane, E., ‘Experiments in Punishment’, *The Nineteenth Century* 6:33 (1879), pp.869-92.

- *An Account of the manner in which Sentences of Penal Servitude are carried out in England* (London: Printed at Her Majesty’s Convict Prison, Millbank, 1882).

- *The Punishment and Prevention of Crime* (London: Macmillan & Co., 1885).

- ‘The Decrease in Crime’, *The Nineteenth Century* 33 (1893), pp.480-92.

Evans, D.M., *Facts, Failures and Frauds: Financial Mercantile Criminal Revelations* (London: Groombridge, 1859).

Fannan, D., *A Burglar’s Life Story: Glasgow, Edinburgh, London, Crimea &c.* (Glasgow: David Bryce & Son, 1897).

Ford, F.M., *Parade’s End* (originally *A Man Could Stand Up-*) (Harmondsworth: Penguin, 1982 [1926]).

Fox, L.W., *The Modern English Prison* (London: G. Routledge & Sons, 1934).

‘Charles George Gordon’ (pseud.), *Crooks of the Underworld* (London: Geoffrey Bles,1929).

Greenwood, J., ‘A Night at the Workhouse: From the Pall Mall Gazette’, in *Secret Commissions: An Anthology of Victorian Investigative Journalism*, ed. Donovan, S. and Rubery, M. (Peterborough, Ontario: Broadview Press, 2012 [1866]), pp.103-20.

Griffith, G., *Sidelights on Convict Life* (London: John Long, 1903).

Griffiths, A., *Memorials of Millbank and Chapters in Prison History* (London: Chapman & Hall, 1884).

- *Secrets of the Prison-House; or Gaol Studies and Sketches* 2 vols. (London: Chapman & Hall, 1894).

- *Fifty Years of Public Service* (London: Cassell & Co., 1904).

Grubb, E., *Prison Industries* (London: Howard Association, 1901).

Hamblin Smith, M., ‘The Mental Conditions found in Certain Sexual Offenders’, *The Lancet*, 29 March 1924, pp.643-6.

Harris, V., *Dartmoor Prison: Past and Present* (Plymouth: William Brendon & Son, n.d.).

Hazlitt, W.C., *English Proverbs and Proverbial Phrases Collected from the Most Authentic Sources* (London: Reeves & Turner, 1907).

Henderson, F. ed., *Six Years in the Prisons of England by A Merchant* (London: Richard Bentley, 1869).

Hobhouse, S. & Brockway, A.F., *English Prisons To-day: Being the Report of the Prison System Enquiry* (London: Longmans Green & Co., 1922).

Horsley, J.W., *Jottings from Jail: Notes and Papers on Prison Matters* (London: T. Fisher Unwin, 1887).

- *Prisons and Prisoners* (London: C. Arthur Pearson, 1898).

Howard Association, *Report of the Howard Association Report for promoting the most efficient means of penal treatment and crime-prevention* (London, The Howard Association, 1867-1917 [bound volume in British Library]).

- Miscellaneous leaflets and pamphlets (London, The Howard Association, 1867-1919 [bound volume in British Library]).

'John Kelsall' (pseud.), 'Penal Servitude', *The Law Times*, 15 February 1896, pp.364-5.

Leslie, S., *Sir Evelyn Ruggles-Brise: A Memoir of the Founder of Borstal* (London: John Murray, 1938).

Loughborough Ball, A.J., *Trial and Error: The Fire Conspiracy and After* (London: Faber & Faber, 1936).

Macartney, W., *Walls Have Mouths: A Record of Ten Years' Penal Servitude* (London: Victor Gollancz, 1936).

Martyn, F., *A Holiday in Gaol* (London: Methuen, 1911).

Maudsley, H., *Responsibility in Mental Disease* 3rd edition (London: C. Kegan Paul & Co., 1876).

Mayhew, H. & Binny, J., *The Criminal Prisons of London and Scenes of Prison Life* (London: Griffin, Bohn & Co., 1862).

Meason, M.L., 'Finance, Frauds and Failures', *Temple Bar* 17 (1866), pp.381-95.

Measor, C.P., *The Convict Service: a letter to Sir George Cornewall Lewis, Bart., ... on the Administration, Results, and Expense of the Present Convict System, with suggestions* (London: Robert Hardwick, 1861).

- *Criminal Correction: Remarks and Suggestions upon a Consistent and Uniform System of Punishment* (London: William Macintosh, 1864).

Montgomery, H.J.B., 'The Waste of Labour in our Convict Prisons', *The World's Work* 5:29 (1905), pp.508-11.

- *How to Reform Our Prison System* (London: Humanitarian League, 1907).

Morrison, W.D., *Crime and its Causes* (London: Swan Sonnenschien, 1891).

- 'Are Our Prisons a Failure?' *The Fortnightly Review* 61 (1894), pp.459-69.

- 'Prison Reform (No. 1): Prisons and Prisoners', *The Fortnightly Review* 68 (1898), pp.781-9.

'W.B.N.' (Nevill, W.B.), *Penal Servitude* (London: William Heinemann, 1903).

Norwood East, W., 'The Interpretation of some Sexual Offences', *Journal of Mental Science*, 71:294 (1925), pp.410-24.

Peek, F., 'Official Optimism', *Contemporary Review* 46 (1884), pp.72-86.

Phelan, J., *Jail Journey* (London: Secker & Warburg, 1940).

Quinton, R.F., *Crime and Criminals 1876-1910* (London: Longmans & Co., 1910).

Rich, C.E.F., *Recollections of a Prison Governor* (London: Hurst & Blackett, 1932).

Anon. (Roe, S.), 'A Convict's Views of Penal Discipline', *The Cornhill Magazine* 10 (1864), pp.722-33.

Ruggles-Brise, E., *The English Prison System* (London: Macmillan & Co., 1921).

Scott, S., *The Human Side of Crook and Convict Life* (London: Hurst & Blackett, 1924).

'D- S-' (Shaw, D.), *Eighteen Months' Imprisonment (with a remission)* (London: Routledge & Sons, 1883).

Skeat, W.W., *The Complete Works of Geoffrey Chaucer: Notes to the Canterbury Tales* second edition (Oxford: Oxford University Press, 1900).

'Francis Scougal' (Skene, F.M.S.), *Scenes from a Silent World; or Prisons and their Inmates* (Edinburgh: William Blackwood & Sons, 1889).

Smithson, G., *Raffles in Real Life: The Confessions of George Smithson alias "Gentleman George"* (London: Hutchinson & Co, 1930).

Stephen, J.F., *A History of the Criminal Law in England, Vol.1* (London: Macmillan & Co., 1883).

'Bill Sykes' (pseud.), *Prison Life and Prison Poetry* (London: Newman & Co., 1881).

Tallack, W., *English Convict Prisons: Some Needed Reforms (1877-78). With a letter to the Chairman of the Directors of these Prisons* (London: The Howard Association, 1878).

Thomson, B., *The Story of Dartmoor Prison*, (London: William Heinemann, 1907).

Waugh, E., *Decline and Fall* (London: Penguin, 2001 [1928]).

Webb S. & Webb B., *English Local Government vol.6: English Prisons under Local Government* (London: Longmans Green & Co., 1922).

- *Methods of Social Study* (London: Longmans, Green & Co., 1932).

'Stuart Wood' (pseud.), *Shades of the Prison House: A Personal Memoir* (London: William Northgate, 1932).

Young, H.T.P., 'Adaptability in Sexual Offenders at Convict Prisons and its Relation to Alcohol', *British Journal of Inebriety* 28:1 (1929), pp.15-23.

## Books and articles published after 1945

Ackerknecht, E.H., *A Short History of Medicine* (New York: Ronald Press, 1955).

Aebi, M.F. & Linde, A. 'Long-Term Trends in Crime: Continuity and Change', in *The Oxford Handbook of the History of Crime and Criminal Justice*, ed. Paul Knepper & Anja Johansen (Oxford: Oxford University Press, 2016), pp.57-87.

Anderson, C., 'Bermuda: 1823-1863', *Convict Voyages: A global history of convicts and penal colonies*, http://convictvoyages.org/expert-essays/convicts-in-bermuda (accessed 12 May 2019).

Anderson, G., *Victorian Clerks* (Manchester: Manchester University Press, 1976).

Anderson, S. & Pratt, J., 'Prison Memoirs and their Role in Prison History', in *Punishment and Control in Historical Perspective*, ed. Helen Johnston (Basingstoke: Palgrave Macmillan, 2008), pp.179-98.

Archer, J.E., *'By a Flash and a Scare': Arson, Animal Maiming and Poaching in East Anglia 1815-1870* (Oxford: Clarendon, 1990).

- 'Poaching gangs and violence: the urban-rural divide in nineteenth-century Lancashire', *The British Journal of Criminology* 39:1 (1999), pp.25-38.

- 'A Reckless Spirit of Enterprise: Game Preserving and Poaching in Nineteenth-Century Lancashire', in *Crime, Protest and Police in Modern British Society: Essays in Memory of David J.V. Jones*, ed. David W. Howell & Kenneth O. Morgan (Cardiff, University of Wales Press, 1999), pp.149-72.

- '"Men behaving badly"?: masculinity and the uses of violence, 1850-1900', in *Everyday Violence in Britain, 1850-1950*, ed. Shani D'Cruze (Harlow: Longman, 2000), pp.41-54.

Arscott, C., 'Convict Labour: Masking and Interchangeability in Victorian Prison Scenes', *Oxford Art Journal* 23:2 (2000), pp.119-42.

Atlay, J.B., 'Grantham, Sir William (1835–1911)', in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/33519 (accessed 12 May 2019).

Bailey, V., 'Introduction', in *Policing and Punishment in Nineteenth-century Britain*, ed. idem. (London: Croom Helm 1981), pp.11-24.

- *Delinquency and Citizenship: Reclaiming the Young Offender, 1914-1948* (Oxford: Clarendon, 1987).

- 'The Fabrication of Deviance: "Dangerous Classes" and "Criminal Classes" in Victorian England', in *Protest and Survival, the Historical Experience: Essays for E.P. Thompson*, ed. John Rule & Robert Malcolmson (London: Merlin Press, 1993), pp.221-56.

- 'English Prisons, Penal Culture and the Abatement of Imprisonment, 1895-1922', *The Journal of British Studies* 36 (1997), pp.285-334.

Baldwin, P., *Contagion and the State in Europe, 1830-1930* (Cambridge: Cambridge University Press, 1999).

Bartrip, P., 'Public Opinion and Law Enforcement: The Ticket-of-Leave Scares in Mid-Victorian Britain', *Policing and Punishment in Nineteenth-century Britain*, ed. Victor Bailey (London: Croom Helm, 1981), pp.150-81.

Bashford, A., *Purity and Pollution: Gender Embodiment and Victorian Medicine* (Basingstoke: Palgrave Macmillan, 1998).

Bashford, A. & Hooker, C., 'Introduction: Contagion, modernity and postmodernity', in *Contagion: Historical and cultural studies*, ed. idem. (Abingdon: Routledge, 2001), pp.1-13.

Beccalossi, C., 'Sexual Deviancies, Disease and Crime in Cesare Lombroso and the "Italian School" of Criminal Anthropology', in *Disease and Crime: A History of Social Pathologies and the New Politics of Health*, ed. Robert Peckham (New York: Routledge, 2014), pp.40-55.

Behlmer, G.K., *Child Abuse and Moral Reform in England, 1870-1908* (Stanford CA: Stanford University Press, 1982).

Bennett, J., 'The Man, the Machine, the Myths: Reconsidering Winston Churchill's Prison Reforms', in *Punishment and Control in Historical Perspective*, ed. Helen Johnston (Basingstoke: Palgrave Macmillan, 2008), pp.95-114.

Bethell, B., 'An exception too far: "gentleman convicts" and the 1878-9 Penal Servitude Acts Commission', *Prison Service Journal* 232 (2017), pp.40-5.

- 'Defining "unnatural crime": sex and the English convict system, 1850-1900', in *From Sodomy Laws to Same-Sex Marriage: International Perspectives since 1789*, ed. Sean Brady & Mark Seymour (London: Bloomsbury Academic, 2019), pp.43-56.

- '"You cease to be a man": masculinity and the "gentleman convict", c.1870-1914', *Prison Service Journal* (forthcoming, 2020).

Blake, G., *No Other Choice: An Autobiography* (London: Jonathan Cape, 1990).

Blom-Cooper, L.J., 'The Centralization of Governmental Control of National Prison Services, with Special reference to the Prison Act 1877', in *Prisons, Past and Future*, ed. John C. Freeman (London: Heinemann, 1978), pp.65-75.

Bourke, J., *Rape: A History from 1860 to the Present* (London: Virago, 2007).

- *What It Means to Be Human: Reflections from 1791 to the Present* (London: Virago, 2011).

Bourke, S., *The Springing of George Blake* (London: Cassell, 1970).

Brady, S., *Masculinity and Male Homosexuality in Britain, 1861-1913* (Basingstoke: Palgrave Macmillan, 2005).

Branch Johnson, W., *The English Prison Hulks* (Chichester: Phillimore, 1970).

Brown, A., *English Society and the Prison: Time, Culture and Politics in the Development of the Modern Prison, 1850-1920* (Woodbridge: Boydell, 2003).

- 'Challenging Discipline and Control: A comparative analysis of prison riots at Chatham (1861) and Dartmoor (1932)', in *Punishment and Control in Historical Perspective*, ed. Helen Johnston (Basingstoke: Palgrave Macmillan, 2008), pp.199-214.

- *Inter-war penal policy and crime in England: the Dartmoor convict prison riot, 1932* (Basingstoke: Palgrave Macmillan, 2013).

Brown, A. & Clare, E., 'A History of Experience: Exploring Prisoners' Accounts of Incarceration', in *The Persistent Prison: Problems, Images and Alternatives*, ed. Clive Emsley (London: Francis Boutle, 2005), pp.49-73.

Brown, A. & Maxwell, C., 'A "Receptacle of our Worst Convicts": Bermuda, the Chatham Prison Riots and the Transportation of Violence', *Journal of Caribbean History* 37:2 (2003), pp.233-55.

Buchanan, R.A., 'Engineers and government in nineteenth-century Britain', in *Government and Expertise: Specialists, administrators and professionals, 1860-1919*, ed. Roy McLeod (Cambridge: Cambridge University Press, 1988), pp.41-58.

Chaucer, G., *The Canterbury Tales*, trans., ed. David Wright (Oxford: Oxford University Press, 1986).

Chenier, E., 'Segregating Sexualities', *Isolation: Places and Practices of Exclusion*, ed. Carolyn Strange & Alison Bashford (London: Routledge, 2003), pp.71-85.

Christensen, A.C., *Nineteenth-Century Narratives of Contagion: 'Our feverish contact'* (Abingdon: Routledge, 2005).

Clayton, G.F., *The Wall is Strong: The Life of a Prison Governor* (London: John Long, 1958).

Cocks, H.G., *Nameless Offences: Homosexual Desire in the Nineteenth Century* (London: I.B. Tauris, 2003).

Cohen, S., 'David Garland, Punishment and Welfare: A History of Penal Strategies', *British Journal of Criminology* 26:4 (1986), pp.409-11.

Cole, S.A., *Suspect Identities: A History of Fingerprinting and Criminal Identification* (Cambridge MA: Harvard University Press, 2001).

Collini, S., *Public Moralists: Political Thought and Intellectual Life in Britain 1850-1930* (Oxford: Oxford University Press, 1991).

Collins, P., *Dickens and Crime* (London: Macmillan & Co., 1962).

Cox, D.J., 'Public and private perceptions of Victorian respectability – the life and times of a "Gentleman Lag"', *Prison Service Journal* 232 (2017), pp.46-52.

Cross, R., *Punishment, Prison and the Public: An Assessment of Penal Reform in Twentieth Century England by an Armchair Penologist* (London: Stevens, 1971).

Crozier, I., Rowbotham, J. & Stevenson, K., 'Striking at Sodom and Gomorrah: The Medicalization of Male Homosexuality and Its Relation to the Law', in *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage*, ed. Judith Rowbotham & Kim Stevenson (Columbus OH: Ohio State University Press, 2005), pp.126-39.

Davie, N., *Tracing the Criminal: The Rise of Scientific Criminology in Britain, 1860-1918* (Oxford: Bardwell, 2005).

- '"Business as usual"? Britain's first women's convict prison, Brixton 1853-1869', *Crimes and Misdemeanours: Deviance and the Law in Historical Perspective* 4:1 (2010), pp.37-52.

- *The Penitentiary Ten: The Transformation of the English Prison, 1770-1850* (Oxford: Bardwell Press, 2016).

Davis, J., 'The London Garrotting Panic of 1862: A Moral Panic and the Creation of a Criminal Class in mid-Victorian England', in *Crime and the Law: The Social History of Crime in Western Europe since 1500*, ed. V.A.C. Gatrell, Bruce Lenman & Geoffrey Parker (London: Europa, 1980), pp.190-213.

DeLacy, M., *Prison Reform in Lancashire 1700-1850: A Study in Local Administration* (Manchester: Manchester University Press, 1986).

Denys, C., 'Geography of Crime: Urban and Rural Environments', in *The Oxford Handbook of the History of Crime and Criminal Justice*, ed. Paul Knepper & Anja Johansen (Oxford: Oxford University Press, 2016), pp.88-108.

Douglas, M., *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (London: Routledge & Kegan Paul, 1966).

Downing, K. & Forsythe, W.J., 'The Reform of Offenders in England, 1880-1990: A Circular Debate', *Criminal Justice History* 18 (2003), pp.145-62.

Eibach, J., 'Violence and Masculinity', in *The Oxford Handbook of the History of Crime and Criminal Justice*, ed. Paul Knepper & Anja Johansen (Oxford: Oxford University Press, 2016), pp.229-49.

Emsley, C., *Crime and Society in England 1750-1900* (London: Longman, 1987).

- 'Historical Perspectives on Crime' in *The Oxford Handbook of Criminology*, ed. Mike Maguire, Rod Morgan & Robert Reiner (Oxford: Clarendon, 1994), pp.122-38.

- 'Filling In, Adding Up, Moving On: Criminal Justice History in Contemporary Britain', *Crime, History and Societies* 9:1 (2005), pp.117-38.

- *Crime Police and Penal Policy: European Experiences 1750-1940* (Oxford: Oxford University Press, 2007).

- ‘Violent crime in England in 1919: Post-war anxieties and press narratives’, *Continuity and Change* 23:1 (2008), pp.173-95.

Emsley, C., Hitchcock, T. & Shoemaker, R., ‘Crime and Justice - Crimes Tried at the Old Bailey’, *Old Bailey Proceedings Online*, http://www.oldbaileyonline.org/static/Crimes.jsp#theftfrompostoffice (accessed 8 April 2019).

Evans, R., *The Fabrication of Virtue: English Prison Architecture, 1750-1840* (Cambridge: Cambridge University Press, 1982).

Ferner, R.E. & McDowell, S.E., ‘Doctors charged with manslaughter in the course of medical practice, 1795-2005’, *Journal of the Royal Society of Medicine*, 99:6 (2006); pp.309-14.

Finer, S.E., *The Life and Times of Sir Edwin Chadwick* (London: Methuen, 1952).

Follett, R.R., *Evangelicalism, Penal Theory and the Politics of Criminal Law Reform, 1808-30* (Basingstoke: Palgrave, 2001).

Forsythe, W.J., *The Reform of Prisoners 1830-1900* (London: Croom Helm, 1987).

- ‘National Socialists and the English Prison Commission: The Berlin Penitentiary Congress of 1935’, *International Journal of the Sociology of the Law* 17:2 (1989), pp.131-45.

- *Penal Discipline, Reformatory Projects and the English Prison Commission, 1895-1939* (Exeter: University of Exeter Press, 1990).

- ‘Centralisation and Local Autonomy: The Experience of English Prison 1820-1877’, *Journal of Historical Sociology* 4:3 (1991), pp.317-45.

- ‘The Garland Thesis and the Origins of Modern English Prison Discipline: 1835 to 1939’, *The Howard Journal of Criminal Justice* 34:3 (1995), pp.259-73

- ‘Griffiths, Arthur George Frederick (1838–1908)’, *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), http://www.oxforddnb.com/view/article/33581 (accessed: 20 May 2019).

- ‘Alyson Brown, English Society and the Prison: Time, Culture and Politics in the Development of the Modern Prison, 1850–1920’, *Reviews in History* (2005), http://www.history.ac.uk/reviews/review/443 (accessed 20 May 2019).

Foucault, M., *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (Harmondsworth: Penguin, 1979).

- *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, ed. Colin Gordon (Hemel Hempstead: Harvester Press, 1980).

- *The Punitive Society: Lectures at the College de France 1972-73*, ed. Bernard E. Harcourt, trans. Graham Burchell (Basingstoke: Palgrave Macmillan, 2015).

Fox, L.W., *The English Prison and Borstal Systems* (London: Routledge & Kegan Paul, 1952).

Garland, D., *Punishment and Welfare: A History of Penal Strategies* (Aldershot: Gower, 1985).

- ‘British Criminology before 1935’, *British Journal of Criminology* 28:2 (1988), pp.1-75.

- *Punishment and Modern Society: A Study in Social Theory* (Oxford: Clarendon, 1990).

Gatrell, V.A.C. ‘The Decline of Theft and Violence in Victorian and Edwardian England’, in *Crime and the Law: The Social History of Crime in Western Europe since 1500*, ed. idem., Bruce Lenman & Geoffrey Parker (London: Europa, 1980), pp.238-370.

- ‘Crime, authority and the policeman-state’, in *The Cambridge Social History of Britain 1750-1950: Volume 3 Social Agencies and Institutions*, ed. F.M.L. Thompson (Cambridge: Cambridge University Press, 1990), pp.243-310.

- *The Hanging Tree: Execution and the English people, 1770-1868* (Oxford: Oxford University Press, 1994).

Gatrell, V.A.G. & Hadden, T.B., ‘Nineteenth Century Criminal Statistics and their Interpretation’, in *Nineteenth Century Society: Essays in the Use of Quantitative Methods for the Study of Social Data*, ed. E.A. Wrigley (Cambridge: Cambridge University Press, 1972), pp.336-96.

Gilbert, P.K., *Cholera and Nation: Doctoring the Social Body in Victorian England* (Albany NY: State University of New York Press, 2008).

Godfrey, B., *Crime in England, 1880-1945: The rough and the criminal, the policed and the incarcerated* (Abingdon: Routledge, 2014).

Godfrey, B., Hitchcock, T. & Shoemaker, S., ‘The Ethics of Digital Data on Convict Lives’, *Digital Panopticon*, https://www.digitalpanopticon.org/The_Ethics_of_Digital_Data_on_Convict_Lives (accessed 12 May 2019).

Goldman, L., *Science, Reform, and Politics in Victorian Britain* (Cambridge: Cambridge University Press, 2002).

Government of Western Australia, *Fremantle Prison: Building the Convict Establishment* (Fremantle: Government of Western Australia, 2009), https://fremantleprison.com.au/media/1148/fp-building-the-convict-establishment.pdf (accessed 9 May 2019).

Grass, S., *The Self in the Cell: Narrating the Victorian Prisoner* (London: Routledge, 2003).

Gray, D.D., *Crime, Policing and Punishment in England, 1660-1914* (Bloomsbury Academic, 2016).

Gray, R., ‘Self-made Men, Self-narrated Lives: Male Autobiographical Writing and the Victorian Middle Class’, *Journal of Victorian Culture* 6:2 (2001), pp.286-312.

Grossick, G., ‘From Gentlemen to the Residuum: Languages of Social Description in Victorian Britain’, in *Language, History and Class*, ed. Penelope J. Corfield (Oxford: Basil Blackwell, 1991), pp.150-78.

Grube, D., *At the Margins of Victorian Britain: Politics, Immorality and Britishness in the Nineteenth Century* (New York: I.B. Tauris, 2013).

Hall, L.A., ‘Forbidden by God, Despised by Men: Masturbation, Medical Warnings, Moral Panic and Manhood in Great Britain, 1850-1950’, in *Forbidden History: The State, Society, and the Regulation of Sexuality in Modern Europe*, ed. John C. Fout (Chicago: University of Chicago Press, 1992), pp.293-316.

- ‘“Sons of Belial”: Contaminated/Contaminating Victorian Male Bodies', in *The Male Body in Medicine and Literature*, ed. Andrew Mangham and Daniel Lea (Liverpool: Liverpool University Press, 2018).

Hamlin, C., *Public Health and Social Justice in the Age of Chadwick: Britain, 1800-1854* (Cambridge: Cambridge University Press, 1988).

- *Cholera: The Biography* (Oxford: Oxford University Press, 2009).

Harding, C., ‘“The Inevitable End of a Discredited System?” The Origins of the Gladstone Committee Report on Prisons, 1895’, *The Historical Journal*, 31:3 (1988), pp.591-608.

Harding, C., Hines, B., Ireland, R. & Rawlings, P., *Imprisonment in England and Wales: A Concise History* (London: Croom Helm, 1985).

Harris, J., ‘Political Thought and the Welfare State 1870-1940: An Intellectual Framework for British Social Policy’, *Past and Present* 135:1 (1991), pp.116-41.

- *Private Lives, Public Spirit: Britain 1870-1914* (London: Penguin, 1994).

Harris, J., *The Roupells of Lambeth: Politics, Property and Peculation in Victorian London* (Streatham Society, 2001).

Harrison, B., *Drink and the Victorians: The Temperance Question in England, 1815-1872* (Keele: Keele University Press, 1971).

Harvey, A.D., ‘Bestiality in late-Victorian England’, *Journal of Legal History* 21:3 (2000), pp.85-8.

Hasenson, A., *The History of Dover Harbour* (London: Aurum, 1980).

Henriques, U.R.Q., ‘The Rise and Decline of the Separate System of Prison Discipline’, *Past and Present* 54:1 (1972), pp.61-93.

Hirst, J., ‘The Australian Experience: The Convict Colony’, in *The Oxford History of the Prison: The Practice of Punishment in Modern Society*, ed. Norval Morris & David J. Rothman (Oxford: Oxford University Press, 1998), pp.235-65.

Hood, R., ‘Criminology and Penal Policy: The Vital Role of Empirical Research’, in *Ideology, Crime and Criminal Justice: A Symposium in Honour of Sir Leon Radzinowicz*, ed. Anthony Bottoms & Michael Tonry (Cullompton: Willan, 2002), pp.153-72.

Horton, D.M., *Pioneers in Penology: The Reformers, the Institutions, and the Societies, 1557-1900* (Lewiston NY: Edwin Mellen Press, 2006).

Hughes, D.T., *Chatham Naval Dockyard and Barracks* (Tempus, 2004).

Hughes, G., *Swearing: A Social History of Foul Language, Oaths and Profanity in English* (London: Penguin, 1998).

Hunt, A., 'The Great Masturbation Panic and the Discourses of Moral Regulation in Nineteenth- and early Twentieth-Century Britain', *Journal of the History of Sexuality*, 8:4 (1998), pp. 575–615.

Hyman, A., *The Rise and Fall of Horatio Bottomley: The Biography of a Swindler* (London: Cassell, 1972).

Ignatieff, M., *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750-1850* (Basingstoke: Macmillan, 1978).

- 'State, Civil Society and Total Institutions: A Critique of Recent Social Histories of Punishment', in *Social Control and the State: Historical and Comparative Essays*, ed. Stanley Cohen & Andrew Scull (Oxford: Basil Blackwell, 1985), pp.75-105.

Ireland, R.W., *'A Want of Order and Good Discipline': Rules, Discretion and the Victorian Prison* (Cardiff: University of Wales Press, 2007).

- 'Criminology, class and cricket: Raffles and real life', *Legal Studies* 33:1 (2013), pp.66-84.

Janes, D., 'Regarding Pratt and Smith, the last couple of sodomites to be hanged in Britain', in *From Sodomy Laws to Same-Sex Marriage: International Perspectives since 1789*, ed. Sean Brady & Mark Seymour (London: Bloomsbury Academic, 2019), pp.57-69.

Jenkins, P., 'Into the Upperworld? Law, Crime and Punishment in English Society', *Social History* 12:1 (1987), pp.93-102.

Johnston, H., ''Buried alive': representations of the separate system in Victorian England', in *Captured by the Media: Prison Discourse in Popular Culture*, ed. Paul Mason (Cullompton: Willan, 2006), pp.103-21.

- 'Introduction: Histories of Punishment and Control', in *Punishment and Control in Historical Perspective*, ed. idem. (Basingstoke: Palgrave Macmillan, 2008), pp.1-11.

- 'Moral Guardians? Prison Officers, Prison Practice and Ambiguity in the Nineteenth Century', in *Punishment and Control in Historical Perspective*, ed. idem. (Basingstoke: Palgrave Macmillan, 2008), pp.77-94.

Johnston, H., Godfrey, B. & Cox, D.J., *Victorian Convicts: 100 Criminal Lives* (Barnsley: Pen & Sword, 2016).

Johnston, H. & Turner, J., 'Disability and the Victorian Prison: Experiencing Penal Servitude', *Prison Service Journal* 232 (2017), pp.11-16.

Johnston, P. 'How incest slipped from the statute book', *The Telegraph*, 23 November 2002, https://www.telegraph.co.uk/news/health/3299240/How-incest-slipped-from-statute-book.html (accessed 13 April 2019).

Joyce, P., *The Rule of Freedom: Liberalism and the Modern City* (London: Verso, 2003).

- *The State of Freedom: A Social History of the British State since 1800* (Cambridge: Cambridge University Press, 2013).

Joyce, P. & Bennett, T., 'Material powers: introduction', in *Material Powers: Cultural studies, history and the material turn*, ed. idem. (Abingdon: Routledge, 2010), pp.1-22.

Kann, M.E., 'Penitence for the Privileged: Manhood, Race and Penitentiaries in Early America', in *Prison Masculinities*, ed. Dan Sabo, Terry A. Kupers & Willie London (Philadelphia: Temple University Press, 2001), pp.21-34.

Kenna, S., *War in the Shadows: The Irish-American Fenians Who Bombed Victorian Britain* (Sallins, Co. Kildaire: Merrion, 2014).

Koven, S., *Slumming: Sexual and Social Politics in Victorian London* (Princeton NJ: Princeton University Press, 2004).

Kuhlken, R., 'Settin' the Woods on Fire: Rural Incendiarism as Protest', *Geographical Review* 89:3 (1999), pp.343-63.

Kunzel, R., *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality* (Chicago: University of Chicago Press, 2008).

- 'Histories of Sexuality and the Carceral State – Part 2', 'Histories of Sexuality and the Carceral State – Part 3' (2016), *NOTCHES: (re)marks on the history of sexuality*, http://notchesblog.com/2016/07/05/histories-of-sexuality-and-the-carceral-state-round-2/; http://notchesblog.com/2016/11/22/histories-of-sexuality-and-the-carceral-state-part-3/ (accessed 12 May 2019).

Lawrence, C., *Medicine in the Making of Modern Britain 1700-1920* (London: Routledge, 1994).

Lawrence, P., 'The Historiography of Crime and Criminal Justice', in *The Oxford Handbook of the History of Crime and Criminal Justice*, ed. Paul Knepper & Anja Johansen (Oxford: Oxford University Press, 2016), pp.17-37.

Lees, A. 'The Rolling English Road', *Dublin Review of Books* 67 (2015), http://www.drb.ie/essays/the-rolling-english-road (accessed 9 May 2019).

Leith, S., 'Holy Sh*t: A Brief History of Swearing by Melissa Mohr – review', *The Guardian*, 23 May 2013, https://www.theguardian.com/books/2013/may/23/holy-shit-history-swearing-mohr (accessed 8 April 2019).

Locker, J.P., 'The Paradox of the 'Respectable Offender: Responding to the Problem of White-Collar Crime in Victorian and Edwardian England, in *Punishment and Control in Historical Perspective*, ed. Helen Johnston (Basingstoke: Palgrave Macmillan, 2008), pp.115-34.

MacDougall, P., *The Chatham Dockyard Story* (Rochester: Rochester Press, 1981).

- *Chatham Dockyard: The Rise and Fall of a Military Industrial Complex* (Stroud: History Press, 2012).

Manion, J., *Liberty's Prisoners: Carceral Culture in Early America* (Philadelphia: University of Pennsylvania Press, 2015).

Mason, D.E., *The Secret Vice: Masturbation in Victorian Fiction and Medical Culture* (Manchester: Manchester University Press, 2008).

McConville, S., *A History of English Prison Administration: Volume I 1750-1877* (London: Routledge & Kegan Paul, 1981).

- *English Local Prisons 1860-1900: Next Only to Death* (London: Routledge, 1995).

- 'The Victorian Prison: England 1865-1965', 'Local Justice: The Gaol', in *The Oxford History of the Prison: The Practice of Punishment in Modern Society,* ed. Norval Morris & David J. Rothman (Oxford: Oxford University Press, 1998), pp.117-50, pp.266-94.

- *Irish Political Prisoners, 1848-1922: Theatres of War* (London: Routledge, 2002).

- 'Gentlemen convicts, Dynamitards and Paramilitaries: The Limits of Criminal Justice', in *Ideology, Crime and Criminal Justice: A Symposium in Honour of Sir Leon Radzinowicz,* ed. Anthony Bottoms & Michael Tonry (Cullompton: Willan, 2002), pp.55-73.

McFarlane, C. & Rutherford, J., 'Political Infrastructures: Governing and Experiencing the Fabric of the City', *International Journal of Urban and Regional Research* 32:2 (2008), pp.363-74.

McGowen, R., 'A Powerful Sympathy: Terror, the Prison, and Humanitarian Reform in Early Nineteenth-Century Britain', *The Journal of British Studies* 25:3 (1986), pp.312-34.

- 'The Well-Ordered Prison, England 1780-1865', in *The Oxford History of the Prison: The Practice of Punishment in Modern Society,* ed. Norval Morris & David J. Rothman (Oxford: Oxford University Press, 1998), pp.71-99.

McGuire, J. & Quinn, J. ed., *Dictionary of Irish Biography: From the Earliest Times to the Year 2002* (Cambridge: Cambridge University Press, 2009).

McKenna, J., *The Irish-American Dynamite Campaign: A History, 1881-1896* (Jefferson NC: McFarland & Co., 2012).

McLaren, A., *The Trials of Masculinity: Policing Sexual Boundaries, 1870-1930* (Chicago: University of Chicago Press, 1997).

McShane, C. & Tarr, J., *The Horse in the City: Living Machines in the Nineteenth Century* (Baltimore: John Hopkins University Press, 2007).

Melossi, D. & Pavarini, M., *The Prison and the Factory: Origins of the Penitentiary System*, trans. Glynis Cousin (London: Macmillan, 1981).

Meranze, M., *Laboratories of Virtue: Punishment, Revolution and Authority in Philadelphia, 1760-1835* (Chapel Hill NC: University of North Carolina Press, 1996).

- 'Histories of the Modern Prison: Renewal, Regression and Expansion', in *The Oxford Handbook of the History of Crime and Criminal Justice*, ed. Paul Knepper & Anja Johansen (Oxford: Oxford University Press, 2016), pp.672-94.

Michie, R.C., *Guilty Money: The City of London in Victorian and Edwardian Culture, 1815-1914* (London: Pickering & Chatto, 2009).

Mohr, M., *Holy Shit: A Brief History of Swearing* (Oxford: Oxford University Press, 2013).

Moran, L.J., *The Homosexual(ity) of Law* (London: Routledge, 1996).

Morgan, S., 'Prison Lives: Critical Issues in Reading Prisoner Autobiography', *The Howard Journal of Criminal Justice* 38:3 (1999), pp.328-40.

Morris, R.J., 'Clubs, societies and associations', in *The Cambridge Social History of Britain 1750-1950: Volume 3 Social Agencies and Institutions*, ed. F.M.L. Thompson (Cambridge: Cambridge University Press, 1990), pp.395-443.

Moss, K., 'Western Australia: The Merging of Penal Spheres, 1850-1868', *Convict Voyages: A global history of convicts and penal colonies*, http://convictvoyages.org/expert-essays/western-australia-1850-1868 (accessed 12 May 2019).

Muchmore, D.M. ed., 'Histories of Sexuality and the Carceral State – Part 1' (2016), *NOTCHES: (re)marks on the history of sexuality*, http://notchesblog.com/2016/03/10/histories-of-sexuality-and-the-carceral-state-part-1/ (accessed 12 May 2019).

Nicholls, J., *The Politics of Alcohol: A history of the drink question in England* (Manchester: Manchester University Press, 2009).

Norrie, A., *Crime, Reason and History: A Critical Introduction to Criminal Law* (London: Weidenfeld & Nicholson, 1993).

Norwood East, W., 'Sexual Offenders – A British View', *Yale Law Journal* 55:3 (1946), pp.527-57.

O'Brien, P., *The Promise of Punishment: Prisons in Nineteenth-Century France* (Princeton NJ: Princeton University Press, 1982).

- 'The Prison on the Continent: Europe, 1865-1965', in *The Oxford History of the Prison: The Practice of Punishment in Modern Society*, ed. Norval Morris & David J. Rothman (Oxford: Oxford University Press, 1998), pp.178-201.

Osborne, H. & Winstanley, M., 'Rural and Urban Poaching in Victorian England', *Rural History* 17:2 (2006), pp.187-212.

Osterhammel, J., *The Transformation of the World: A Global History of the Nineteenth Century*, trans. Patrick Camiller (Princeton NJ: Princeton University Press, 2014).

Otter, C., 'Cleansing and Clarifying: Technology and Perception in Nineteenth-Century London', *The Journal of British Studies* 43:1 (2004), pp.40-64.

- *The Victorian Eye: A Political History of Light and Vision in Britain, 1800-1910* (Chicago: University of Chicago Press, 2008).

- 'Locating matter: the place of materiality in urban history', in *Material Powers: Cultural studies, history and the material turn*, ed. Tony Bennett & Patrick Joyce (Abingdon: Routledge, 2010), pp.38-59.

Paterson, A., *Paterson on Prisons: Being the Collected Papers of Sir Alexander Paterson M.C., M.A.*, ed. S.K. Ruck (London: Frederick Muller, 1951).

Peckham, R., 'Pathological Properties: Scenes of Crime, Sites of Infection', in *Disease and Crime: A History of Social Pathologies and the New Politics of Health*, ed. idem. (New York: Routledge, 2014), pp.1-20.

Pellew, J., *The Home Office 1848-1914: from Clerks to Bureaucrats* (London: Heinemann, 1982).

- ‘Law and order: expertise and the Victorian Home Office’, in *Government and Expertise: Specialists, administrators and professionals, 1860-1919*, ed. Roy McLeod (Cambridge: Cambridge University Press, 1988), pp.59-72.

Pelling, M., ‘The meaning of contagion: Reproduction, medicine and metaphor’, in *Contagion: Historical and cultural studies*, ed. Alison Bashford & Claire Hooker (Abingdon: Routledge, 2001), pp.15-38.

Philips, D., ‘“A Just Measure of Crime, Authority, Hunters and Blue Locusts”: The “Revisionist” Social History of Crime and the Law in Britain, 1780-1850’ in *Social Control and the State: Historical and Comparative Essays*, ed. Stanley Cohen & Andrew Scull (Oxford: Basil Blackwell, 1985), pp.50-74.

Poovey, M., *Making a Social Body: British Cultural Formation, 1830-1864* (Chicago: University of Chicago Press, 1995).

Porter, D., *Health, Civilization and the State: A History of Public Health from Ancient to Modern Times* (London: Routledge, 1998).

Pratt, J., *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society* (London: Sage, 2002).

- ‘The acceptable prison: official discourse, truth and legitimacy in the nineteenth century’, in *Crime, truth and justice: official Inquiry, discourse and knowledge*, ed. George Gilligan & idem. (Cullompton: Willan, 2004), pp.71-88.

Price, D., 'The Origins and Durability of Security Categorisation: A Study in Penological Pragmatism *or* Spies, Dickie and Prison Security', in *The British Criminology Conference: Selected Proceedings. Volume 3.*, ed. George Mair & Roger Tarling (2000), http://www.britsoccrim.org/volume1/013.pdf (accessed 6 April 2019).

Priestley, P., *Victorian Prison Lives: English Prison Biography 1830-1914* (London: Methuen, 1985).

- *Jail Journeys: The English Prison Experience since 1918* (London: Routledge, 1989).

Putnam, L. ‘The Transnational and the Text-Searchable: Digitized Sources and the Shadows They Cast’, *American Historical Review*, 121, 2 (2016): 377-402.

Quinn, R., *The Man Who Broke the Bank at Monte Carlo: Charles Deville Wells, Gambler and Fraudster Extraordinaire* (Stroud: History Press, 2016).

Radzinowicz, L., *A History of English Criminal Law and its Administration from 1750: Volume 1: The Movement for Reform* (London: Stevens & Sons, 1948).

Radzinowicz, L. & Hood, R., ‘The Status of Political Prisoners in England: The Struggle for Recognition’, *Virginia Law Review* 65:8 (1979), pp.1421-81.

- *The Emergence of Penal Policy in Victorian and Edwardian England: being Volume 5 of A History of English Criminal Law and its Administration from 1750* (Oxford: Clarendon Press 1990 [1986]).

Randle, M. & Pottle, P., *The Blake Escape: How We Freed George Blake – and Why* (London: Harrap, 1989).

Robb, G., *White-Collar Crime in Modern England: Financial Fraud and Business Morality, 1845-1929* (Cambridge: Cambridge University Press, 1992).

Rose, A.G., *The Struggle for Penal Reform: The Howard League and its Predecessors* (London: Stevens & Sons, 1961).

Rothman, D.J., *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston: Little, Brown & Co., 1971).

Rutherford, N., 'Thomson, Sir Basil Home (1861–1939)', in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), http://www.oxforddnb.com.ezproxy.lib.bbk.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-36499 (accessed 13 April 2019).

Samuel, R., *East End Underworld: Chapters in the Life of Arthur Harding* (London: Routledge & Kegan Paul, 1981).

Schur, A., The Poetics of "Pattern Penitence": "Pet Prisoners" and Plagiarized Selves', in *Stones of Law, Bricks of Shame: Narrating Imprisonment in the Victorian Age*, ed. Jan Alber & Frank Lauterbach (Toronto: University of Toronto Press, 2009), pp.134-53.

Sedgwick, E.K., *Between Men: English Literature and Male Homosocial Desire* (New York: Columbia University Press, 1985).

Sellin, J.T., *Slavery and the Penal System* (New York: Elsevier, 1976).

Senicle, L., 'East Cliff and Athol Terrace' (2013), *The Dover Historian* https://doverhistorian.com/2013/10/24/east-cliff-and-athol-terrace/ (accessed 10 April 2019).

- 'Langdon Prison' (2016), *The Dover Historian*, https://doverhistorian.com/2016/03/26/langdon-prison/ (accessed 10 April 2019).

Shpayer-Makov, H., *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England* (Oxford: Oxford University Press, 2011).

- 'Detectives and Forensic Science: The Professionalization of Police Detection', in *The Oxford Handbook of the History of Crime and Criminal Justice*, ed. Paul Knepper & Anja Johansen (Oxford: Oxford University Press, 2016), pp.474-96.

Shaw, A.G.L., *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London: Faber & Faber, 1966).

Sim, J., *Medical Power in Prisons: The Prison Medical Service in England, 1774-1989* (Milton Keynes: Open University Press, 1990).

Simkin, J., ‘Wilfred Macartney’ (1997), *Spartacus Educational*, https://spartacus-educational.com/SPmacartney.htm (accessed 16 May 2019).

Sindall, R., ‘Middle-Class Crime in Nineteenth-Century England’, *Criminal Justice History* 4 (1983), pp.23-40.

- ‘The London Garotting Panics of 1852 and 1856’, *Social History* 12:3 (1987), pp.351-9.

Smith, A., ‘Admiralty Quarries’, *The Encyclopaedia of Portland History*, https://www.portlandhistory.co.uk/admiralty-quarries.html (accessed 11 April 2019).

Smith, D., ‘The Demise of Transportation: Mid-Victorian Penal Policy’, *Criminal Justice History* 3 (1982), pp.21-45.

Spierenburg, P., *The Prison Experience: Disciplinary Institutions and Their Inmates in Early Modern Europe* (New Brunswick NJ: Rutgers University Press, 1991).

- *A History of Murder: Personal Violence in Europe from the Middle Ages to the Present* (Cambridge: Polity, 2008).

Stanford, T., ‘Who Are You? We Have Ways of Finding Out! Tracing the Police Development of Offender Identification Techniques in the Late Nineteenth Century’, *Crimes and Misdemeanours* 3:1 (2009), pp.54-81.

Steinfeld, R.S., *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350-1870* (Chapel Hill NC: University of North Carolina Press).

Stevenson, K., ‘“Crimes of Moral Outrage”: Victorian encryptions of sexual violence’, in *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage*, ed. Judith Rowbotham & idem. (Columbus OH: Ohio State University Press, 2005), pp.232-46.

Stevenson, S.J., ‘The “Habitual Criminal” in Nineteenth-Century England: Some Observations on the Figures’, *Urban History* 13 (1986); pp.37-60.

Strange, C. & Bashford, A., ‘Isolation and exclusion in the modern world: an introductory essay’, in *Isolation: Places and Practices of Exclusion*, ed. idem. (London: Routledge, 2003), pp.1-18.

Sutton, C.W., ‘Watkin, Sir Edward William, first baronet (1819-1901)’, in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/36762 (accessed 10 April 2019).

Taylor, D., *Crime, Policing and Punishment in England, 1750-1914* (Basingstoke: Macmillan, 1998).

Taylor, D., Rowbotham, J. & Stevenson, K. (2005) ‘Beyond the Bounds of Respectable Society: The “Dangerous Classes” in Victorian and Edwardian England’, in *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage*, ed. Judith Rowbotham & Kim Stevenson (Columbus OH: Ohio State University Press, 2005), pp.3-22.

Taylor, J., *Boardroom Scandal: The Criminalization of Company Fraud in Nineteenth-Century Britain* (Oxford: Oxford University Press, 2013).

Thane, P., 'Government and society in England and Wales, 1750-1914', in *The Cambridge Social History of Britain 1750-1950: Volume 3 Social Agencies and Institutions*, ed. F.M.L. Thompson (Cambridge: Cambridge University Press, 1990), pp.1-61.

- *Divided Kingdom: A History of Britain, 1900 to the Present* (Cambridge: Cambridge University Press, 2018).

Thomas, J.E., *The English Prison Officer since 1850: A Study in Conflict* (London: Routledge & Kegan Paul, 1972).

Tibber, P., 'Edmund Du Cane and the Prison Act 1877', *The Howard Journal of Criminal Justice* 19:1-3 (1980); pp.9-16.

Tobias, J.J., *Crime and Industrial Society in the Nineteenth Century* (Harmondsworth: Penguin, 1972).

Tomlinson, M.H., '"Prison Palaces": A Reappraisal of Early Victorian Prisons, 1835-77', *Bulletin of the Institute of Historical Research* 51:123 (1978), pp.60-71.

- 'Penal Servitude 1846-1865: A System in Evolution', in *Policing and Punishment in Nineteenth-century Britain,* ed. Victor Bailey (London: Croom Helm, 1981), pp.126-49.

Tosh, J., *Manliness and Masculinities in Nineteenth-Century Britain: Essays on Gender, Family, and Empire* (Harlow: Pearson Longman, 2005).

Travis, A., 'UK government considers single secure jail unit for Islamist terrorists', *The Guardian*, 13 February 2016, https://www.theguardian.com/society/2016/feb/12/government-considers-single-supermax-jail-islamist-terrorists (accessed: 19 April 2019).

Turner, J., Taylor, P., Morley, S. & Corteen, K. ed., *A Companion to the History of Crime and Criminal Justice* (Bristol: Policy Press, 2017).

Upchurch, C., *Before Wilde: Sex between Men in Britain's Age of Reform* (Berkeley: University of California Press, 2009).

Vander Weyer, M., *Fortune's Spear: The Forgotten Story of Genius, Fraud and Finance in the Roaring Twenties* (London: Elliott & Thompson, 2011).

Vidler, J. & Wolff, M., *If Freedom Fail* (London: Macmillan, 1964).

Wallis, P., 'Richardson, Sir Benjamin Ward (1828–1896)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), http://www.oxforddnb.com/view/article/23544 (accessed: 20 May 2019).

Watson, S. (1994) 'Malingerers, the "Weakminded" Criminal and the "Moral Imbecile": How the English Prison Medical Officer Became an Expert in Mental Deficiency, 1880-1930', in *Legal Medicine in History*, ed. Michael Clark & Catherine Crawford (Cambridge: Cambridge University Press, 1994), pp.223-44.

Whelehan, N., *The Dynamiters: Irish Nationalism and Political Violence in the Wider World, 1867-1900* (Cambridge: Cambridge University Press, 2012).

Wiener, M.J., 'The March of Penal Progress?', *The Journal of British Studies*, 26:1 (1987), pp.83-96.

- *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990).

- *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge: Cambridge University Press, 2004).

Wilde, O., *The Annotated Prison Writings of Oscar Wilde*, ed. Nicholas Frankel (Cambridge MA: Harvard University Press, 2018).

Williams, L., 'UK Licences for the Parole of Convicts 1853-1925', *Digital Panopticon*, https://www.digitalpanopticon.org/UK_Licences_for_the_Parole_of_Convicts_1853-1925 (accessed 12 May 2019).

Wilson, G. & Wilson, S., '"Getting away with it" or "punishment enough"? The problem of "respectable" crime from 1830' in *Corruption in Urban Politics and Society, Britain 1780-1950*, ed. James Moore & John Smith (Aldershot: Ashgate, 2007), pp.57-80.

- 'Criminal Responses and Financial Misconduct in Twenty-first Century Britain: tradition and points of departure, and the significance of the conscious past', *Law, Crime & History* 3:3 (2013), pp.1-24.

Wilson, S., 'In Defence of Respectability: Financial Crime, the "High Art" Criminal and the Language of the Courtroom, 1850-1880', in *The Golden Age: Essays in British Social and Economic History, 1850-1870*, ed. Ian Inkster, Colin Griffin, Jeff Hill & Judith Rowbotham (Aldershot; Ashgate, 2000), pp.199-218.

- 'Moral Cancers: Fraud and Respectable Crime' in *Behaving Badly: Social Panic and Moral Outrage – Victorian and Modern Parallels*, ed. Judith Rowbotham & Kim Stevenson (Aldershot: Ashgate, 2003), pp.97-112.

- *The Origins of Modern Financial Crime: Historical foundations and current problems in Britain* (Abingdon: Routledge, 2014).

Wohl, A.S., *Endangered Lives: Public Health in Victorian Britain* (London: Methuen, 1983).

Worboys, M., *Disease Theories and Medical Practice in Britain, 1865-1900* (Cambridge: Cambridge University Press, 2000).

Young, A., 'Gerald Mainwaring (1854 -?)', *Anne's Family History*, http://ayfamilyhistory.blogspot.com/2013/07/gerald-mainwaring-1854.html (accessed 10 April 2019).

Zedner, L., *Women, Crime, and Custody in Victorian England* (Oxford: Clarendon, 1991).

## Unpublished Ph.D. thesis

Locker, J.P., '"This Most Pernicious Species of Crime": Embezzlement in its Public and Private Dimensions, c.1850-1930' (Keele University, 2004).

## Newspapers and magazines

*Aberdeen Press and Journal*

*Barnet Press*

*Birmingham Daily Gazette*

*Blackburn Standard*

*Bradford Daily Telegraph*

*Bristol Mercury*

*Buckingham Advertiser and Free Press*

*Bucks Herald*

*Carlisle Express and Examiner*

*Chard and Ilminster News*

*Chelmsford Chronicle*

*Cheltenham Chronicle*

*Cheshire Observer*

*Cornish & Devon Post*

*Croydon Guardian and Surrey County Gazette*

*Daily Express*

*Daily Herald*

*Daily Mail*

*Daily Telegraph & Courier*

*Devizes and Wiltshire Gazette*

*Dorset County Chronicle*

*Dover Express and East Kent Newspaper*

*Dundee Courier*

*Dundee Evening Telegraph*

*Eastern Daily Press*

*Eastern Evening News*

*East London Observer*

*Edinburgh Evening News*

*Evening News*

*Evening Star*

*Exeter Flying Post*

*Exeter and Plymouth Gazette*

*Glasgow Herald*

*Globe*

*Gloucestershire Echo*

*Grantham Journal*

*Hampshire Advertiser*

*Hampshire Chronicle*

*Hampshire Telegraph*

*Hull Daily Mail*

*Illustrated Police News*

*Ipswich Evening Star*

*Jersey Independent and Daily Telegraph*

*Kent & Sussex Courier*

*Kilburn Times*

*Lancashire Evening Post*

*Lancaster Gazette*

*The Law Times*

*Leamington Spa Courier*

*Leeds Mercury*

*Lincolnshire Free Press*

*Liverpool Echo*

*Lloyd's List*

*Lloyd's Weekly Newspaper*

*London Daily News*

*London Evening Standard*

*Lowestoft Journal*

*Manchester Courier and Lancashire General Advertiser*

*Monmouthshire Merlin*

*Morning Post*

*Morpeth Herald*

*Newcastle Courant*

*New York Times*

*Northampton Mercury*

*Northern Echo*

*North London News*

*North Wales Chronicle*

*Nottingham Evening Post*

*Nottinghamshire Guardian*

*Pall Mall Gazette*

*Perth Gazette and Independent Journal of Politics and News*

*Punch*

*Royal Cornwall Gazette*

*The Scotsman*

*Sheffield Daily Telegraph*

*Shields Daily News*

*Shipping and Mercantile Gazette*

*South London Press*

*Staffordshire Sentinel*

*Stamford Mercury*

*The Standard*

*Sunderland Daily Echo*

*Sussex Agricultural Express*

*Tamworth Herald*

*The Times*

*Truth*

*Watford Observer*

*Weekly Times*

*Wellington Journal*

*Western Daily Press*

*Western Morning News*

*Western Times*

*Whitstable Times and Herne Bay Herald*

*Yorkshire Evening Post*

*Yorkshire Post and Leeds Intelligencer*

## Additional online

‘Parkhurst Prison Warders M-S’, *Anne Barrett Isle of Wight Ancestors and Genealogy*, http://www.annbarrett.co.uk/prison/parkhurst-prison-warders-m-s/ (accessed 19 April 2019).

‘Prison Watch’, *Howard League for Penal Reform*, https://howardleague.org/prisons-information/prison-watch/ (accessed 12 April 2019).

‘Topic: Chatham Convict Prison’, *Kent History Forum*, http://www.kenthistoryforum.co.uk/index.php?topic=2646.0 (accessed 12 May 2019).

*MeasuringWorth.com*, https://www.measuringworth.com (accessed 18 May 2019).

*Prospectus of the Great Fingall Associated Gold Mining Company* (1903), http://digital.slv.vic.gov.au/dtl_publish/pdf/marc/14/779408.html (accessed 12 April 2019).